

IN RE: PETITION FOR SPECIAL HEARING
N/S Ruth Avenue, 103' E of
the c/l of Sparrows Point Road
(2513 Ruth Avenue)
15th Election District
7th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-459-SPH

Leon G. McKemy
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Leon G. McKemy, by and through his attorney, Walter I. Seif, Jr., Esquire. The Petitioner requests approval of the nonconforming use of the subject property, zoned B.R., as a contractor's equipment storage yard, as more particularly described on Petitioner's Exhibit 1.

Appearing and testifying on behalf of the Petition were Leon McKemy, represented by Walter I. Seif, Jr., Esquire, and numerous area residents, including an adjoining property owner, Clifford Bennett. Appearing as Protestants in the matter were Virginia E. Tolbert, Pearl Gintling and Nathaniel Covington, nearby residents of the area.

Testimony indicated that the subject property, known as 2513 Ruth Avenue, consists of 2.12 acres more or less, split zoned B.R. and B.L. and is improved with a one-story building. The Petitioner filed the instant Petition to legalize the existing use of the subject property as a contractor's equipment storage yard. Leon McKemy testified that he has used the subject property as a contractor's equipment storage yard for the past 22 years. He testified that he purchased the property from a Mr. Welsh who had previously used the property to store equipment for his trash hauling business. Testimony indicated that at the time of Mr. McKemy's purchase,

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Mr. Welsh had leased the property to a building contractor to store equipment.

Walter A. Pac appeared and testified on behalf of the Petitioner. Mr. Pac testified that he has been familiar with the property since 1924. He testified that he used to live across the street from the subject site. Mr. Pac testified that based on his personal knowledge, the property has been used as a contractor's equipment storage yard since 1931. He stated that the previous owner stored heavy equipment and dump trucks on the site in 1931 and that the property has always been used to store mobile cranes, heavy equipment, trucks, etc.

Robert Farmer appeared and testified on behalf of the Petition. Mr. Farmer testified that he has been familiar with the property since 1932. He testified that the subject property has always been used as a contractor's equipment storage yard and that the use has gotten smaller over the years. Mr. Farmer testified that in the 1930s and early 1940s, the use of the property as a contractor's equipment storage yard was much larger than what exists today.

None of the Protestants who appeared and testified at the hearing could offer testimony which contradicted that presented by Mr. Pac and Mr. Farmer. It was clear that the property has been used as a contractor's equipment storage yard since prior to 1945, the effective date of the zoning regulations. However, Nathaniel Covington, who resides immediately adjacent to the driveway entrance to the subject site, testified that the property had become more of a junk yard than a contractor's equipment storage yard. He testified that much of the equipment currently stored on the site was useless, inoperable, and constituted junk. However, Mr. Covington noted that the Petitioner has been working diligently over the

ORDER RECEIVED FOR FILING

Date 11/5/92
By [Signature]

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past months to clean up the subject site and bring it into compliance with the Baltimore County Zoning Regulations.

Prior to issuing this opinion, I felt it necessary to conduct a site visit to the subject property to determine compliance with the site plan filed in this matter. Upon inspecting the subject property, I found that the Petitioner was still in the process of removing and clearing old junk and debris from the subject property. However, based on my observations, it was clear that the Petitioner had done a tremendous job of cleaning up the property and bringing it into compliance with the B.C.Z.R. The Petitioner is now required to store and locate all equipment in an orderly fashion in accordance with the site plan submitted, marked Petitioner's Exhibit 1. Said plan depicts the proper layout of the subject site and denotes the location and storage area of all equipment utilized in the Petitioner's business. There were still some incidental items which remained to be removed from the subject property and the Petitioner assured me that these items would be removed as quickly as possible.

Joining me in my inspection of the subject property was Pat Keller, Deputy Director of the Office of Planning. Mr. Keller walked the premises with me and has submitted for inclusion in this Order, some recommendations from his office. These recommendations shall be incorporated into this Order as restrictions imposed upon the use of this property as a contractor's equipment storage yard.

It should be noted that Petitioner's Exhibit 1 identifies itself as the "Plat to accompany the Petition for Special Exception and Variance" for a contractor's equipment storage yard. In order to avoid any future confusion in this matter, Petitioner shall be required to submit a revised site plan which correctly identifies itself as the "Plat to accompany the

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Petition for Special Hearing for a Nonconforming Use as a Contractor's Equipment Storage Yard" and should note thereon that the property is limited to that use only.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

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Date 11/5/92
By [Signature]

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(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a contractor's equipment storage yard since prior to the effective date of the zoning regulations, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of November, 1992 that the Petition for Special Hearing to approve the nonconforming use of the subject property, zoned B.R., as a contractor's equipment storage yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioner would be required to file a new Petition.

2) Within thirty (30) days of the date of this Order, Petitioner shall submit a revised site plan to correctly identify same as the "Plat to accompany Petition for Special Hearing". Said plan shall also include a notation thereon that the use of the subject property is limited to that of a contractor's equipment storage yard.

3) Within thirty (30) days of the date of this Order, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning. Said plan shall provide reasonable screening and landscaping to buffer the entranceway of the subject property from the ad-

joining property owned by Nathaniel Covington. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

4) The hours of operation for the contractor's equipment storage yard shall be limited to 7:00 AM to 7:00 PM, seven days a week.

5) There shall be no storage of any vehicles, equipment, containers, or materials along the entrance driveway to the subject property.

6) The subject property shall be regularly maintained in a neat and orderly fashion. All trash and debris, and any inoperable vehicles shall be removed from the premises.

7) The Petitioner shall contact the State of Maryland and obtain written notification that there has been no overflow of the subject use as a contractor's equipment storage yard on the adjoining State Park property, which was formerly owned by Bethlehem Steel and later conveyed to the State for park use. Any encroachment into the park should be immediately remedied.

8) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

9) When applying for any permits, the site plan and/or landscaping plan filed must reference this Order and set forth and address the restrictions of this Order.

[Signature]
TIMOTHY H. KOROCCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/5/92
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 5, 1992

Walter I. Seif, Jr., Esquire
1314 Bedford Avenue, Suite 107
Pikesville, Maryland 21208

RE: PETITION FOR SPECIAL HEARING
N/S Ruth Avenue, 103' E of the c/l of Sparrows Point Road
(2513 Ruth Avenue)
15th Election District - 7th Councilmanic District
Leon G. McKemy - Petitioner
Case No. 92-459-SPH

Dear Mr. Seif:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

[Signature]
TIMOTHY H. KOROCCO
Deputy Zoning Commissioner
for Baltimore County

cc: Ms. Virginia E. Tolbert
7741 North Point Creek Road, Baltimore, Md. 21219

Ms. Pearl Gintling
7718 North Point Creek Road, Baltimore, Md. 21219

Mr. Nathaniel Covington
2401 Ruth Avenue, Baltimore, Md. 21219

People's Counsel
[Signature]

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

#486
92-459-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 806.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----
The legal nonconforming use of the subject contractor's equipment storage yard in a B.R. Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Leon G. McKemy

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2508 N. SNYDER AVE. 477-4361

Baltimore, Md. 21219 Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

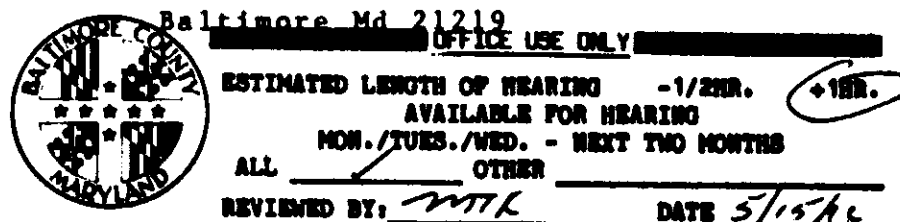
Leon G. McKemy

Name

2508 N. Snyder Ave 477-4361

Baltimore, Md. 21219 Phone No.

City and State



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Date 11/5/92
By [Signature]

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BALTIMORE COUNTY, MARYLAND

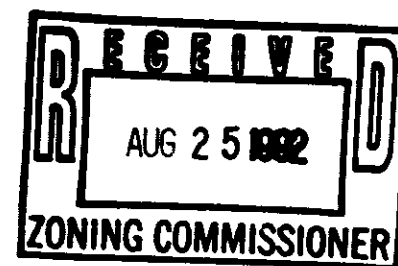
INTER-OFFICE CORRESPONDENCE

TO: Tim Kotroco
Deputy Zoning Commissioner

DATE: August 25, 1992

FROM: Pat Keller, Deputy Director
Office of Planning & Zoning

SUBJECT: McKemy Property
(Case No. 92-459)
(Item No. 486)



Based upon a site visit August 24, 1992, the Office of Planning and Zoning provides the following additional comments and conditions should the petitioner's request be granted.

1. The hours of operation, especially outdoor operation will clearly have an impact on the adjoining residences. The hours of operation should be limited to reasonable daytime use of the property.
2. The property most affected by the use is the Covington Lot. Staff would suggest that either 1) a landscape plan and fence as shown on staff exhibit be provided along the Covington Property or 2) a 10 foot setback be maintained along the Covington Property with appropriate evergreen plantings provided inside the Covington Property (subject to agreement by the petitioner and Mr. Covington).
3. No storage of materials, containers, etc., or parking of vehicles should be allowed in or along the access drive.
4. The site should continue to be cleaned up to remove old metal, inoperable vehicles, and other items not used by the business.
5. A note should be provided on the Plan stating that the site will only be used for a contractor's equipment storage yard.
6. The State of Maryland should be notified to determine if any activity or use of the site has occurred on the adjoining State Park. This land was formerly owned by Bethlehem Steel and was conveyed to the State for use as a park. Any encroachment into the park should be immediately remedied.
7. A durable and dustless surface should be provided in accordance with Section 409.8A2 of the Zoning Regulations to minimize the problem of fugitive dust.

Pat Keller
Pat Keller
Deputy Director

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PK:bjs
MCKEMY/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 10, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-459-SPH
LEGAL OWNER: LEON G. MCKEMY
LOCATION: 2513 RUTH AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

THURSDAY, AUGUST 13, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 118, COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schick
Lawrence E. Schick

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leon G. McKemy
Walter I. Seif, Jr., Esq.

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WALTER I. SEIF, JR.

ATTORNEY AT LAW
1314 BEDFORD AVENUE, SUITE 107
Pikesville, Maryland 21208

OFFICE (410) 486-3878
FAX (410) 486-7006

WALTER I. SEIF, JR.

June 30, 1992

Office of Zoning Admin.
and Dev. Management
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Arnold Jablon, Director

Re: Special Exception: McKemy
Case No. 92-459-SPH

Dear Mr. Jablon:

Please enter my appearance as attorney for the Petitioner, Leon G. McKemy. Please postpone the July 8, 1992 Hearing for this case as I must appear at the District Court at Hyattsville, MD at 1:00 p.m. on that date.

I would like to suggest the following dates as possible alternatives: Week of July 27, 1992, Week of August 3, 1992 except for the afternoon of August 6, 1992, and the Week of August 10, 1992.

Very truly yours,

Walter I. Seif, Jr.
Walter I. Seif, Jr.

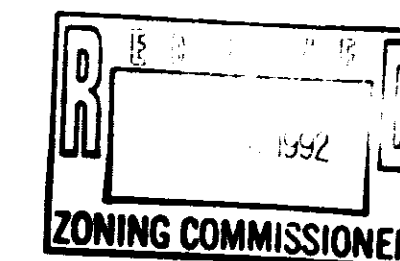
WISips

CC: Leon G. McKemy

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JUL 1 1992

ZONING OFFICE

August 14, 1992



Mr. Timothy M. Kotroco
Deputy, Zoning Commission
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Md. 21234

Dear Mr. Kotroco,

I am enclosing pictures taken, during the last two weeks, of truck traffic entering and leaving M & M Oil Company. The types and sizes of the trucks vary from day to day as well as time of travel. Trucks have started business runs as early as 5:30am and continued to midnight. Personally, I believe that a man should not be hampered in his efforts to make a living unless those efforts infringe upon the rights of others.

I find it very frustrating that to men can't sit down to discuss possible solutions to situations care of pride. My efforts to speak with Mr. McKinny resulted in total frustration. The issues we discussed were not taken seriously yet in the last two weeks He has feverishly tried to clean-up. The I will do it if you make me attitude is somewhat juvenile.

In summary, I would like to thank you for your efforts to fairly evaluate the situation and made recommended changes based on your inspection.

Sincerely,

Nathaniel Covington
Nathaniel Covington

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
VIRGINIA E. TOLBERT	7741 NEW POINT CREEK RD BALTIMORE MD 21234
Pearl Grotling	7718 North Point Creek Rd. Baltimore MD 21219
William C. Brown	2401 42nd Ave 21214
477-0997	
477-1579 Evening	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Walter A. Joe	7607 Rockwood Rd. 21209
19641 RTR III	2513 Ruth Ave 21219
Robert Farmer	6533 Poplar Lane 21219
Jack Peking	2526 Manor Ave 21219
Clifford Schwartz	2510 Ruth Ave 21219
Randy Rott	2513 Ruth Ave 21219
D.H. Myers	9100 MILLERS LANE BLVD. 21214
Tom Mahesh	7745 New Point Creek Rd 21219
Jim Skarow	7765 N. Pt. Cr. Rd.
John McKemy	2508 N. Angles Ave 21219

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12 AUGUST, 1992

TO WHOM IT MAY CONCERN,
I AM WRITING THIS LETTER IN SUPPORT OF HACK MC KENNEY'S ZONING HEARING. I HAVE LIVED IN EDGEHURST FOR 58 YEARS. MY GRANDMOTHER USED TO OWN THE PROPERTY ON RUTH AVE NEXT TO HACK'S DRIVEWAY AND BACK TO BACK WITH HIS DURING THE 40'S. THE PROPERTY (HACK'S) WAS AT THAT TIME BEING USED BY A CONSTRUCTION COMPANY AND HAS CONTINUED TO BE USED IN THAT FASHION SINCE. THE PROPERTY IS FENCED IN AND NOT VISIBILE FROM THE ROAD. I CAN SEE NO REASON NOT TO SUPPORT THE ZONING REQUEST. THE BUSINESS IN QUESTION HAS BEEN A GOOD NEIGHBOR AND PROVIDES JOBS AND INCOME FOR THE NEIGHBORHOOD. I THINK IT IS IN THE INTEREST OF BALTIMORE COUNTY TO HELP PROTECT BUSINESS'S WHICH SUPPLY JOBS AND TAXES THAT HELP SUPPORT OUR COMMUNITY, ESPECIALLY SO, DURING THESE BAD ECONOMIC TIMES. IF I CAN BE OF ANY OTHER HELP, FEEL FREE TO CONTACT ME.

A CONCERNED NEIGHBOR,
NORMAN BOCK
7201 HUGHES AVE 21219
TEL. HOME 477 2857
WORK 388 7210

Norman Bock

PETITIONER'S
EXHIBIT 2

all of these signatures obtained on 8-8-92

undesignated resident of Edgemere, Maryland located in Baltimore

County do not oppose the daily operation and the use of the lot at 2513 Ruth Avenue by M&M Fuel Co Inc.

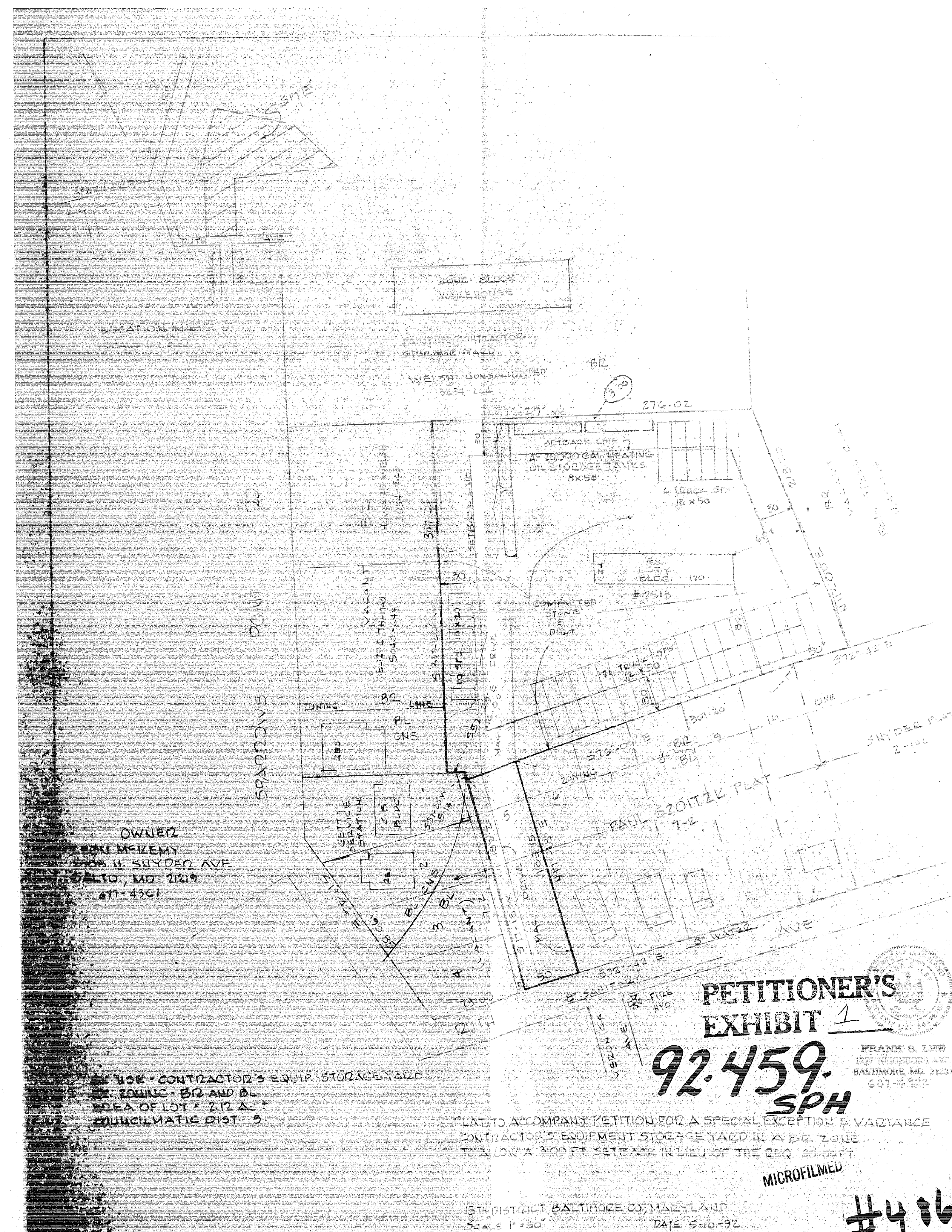
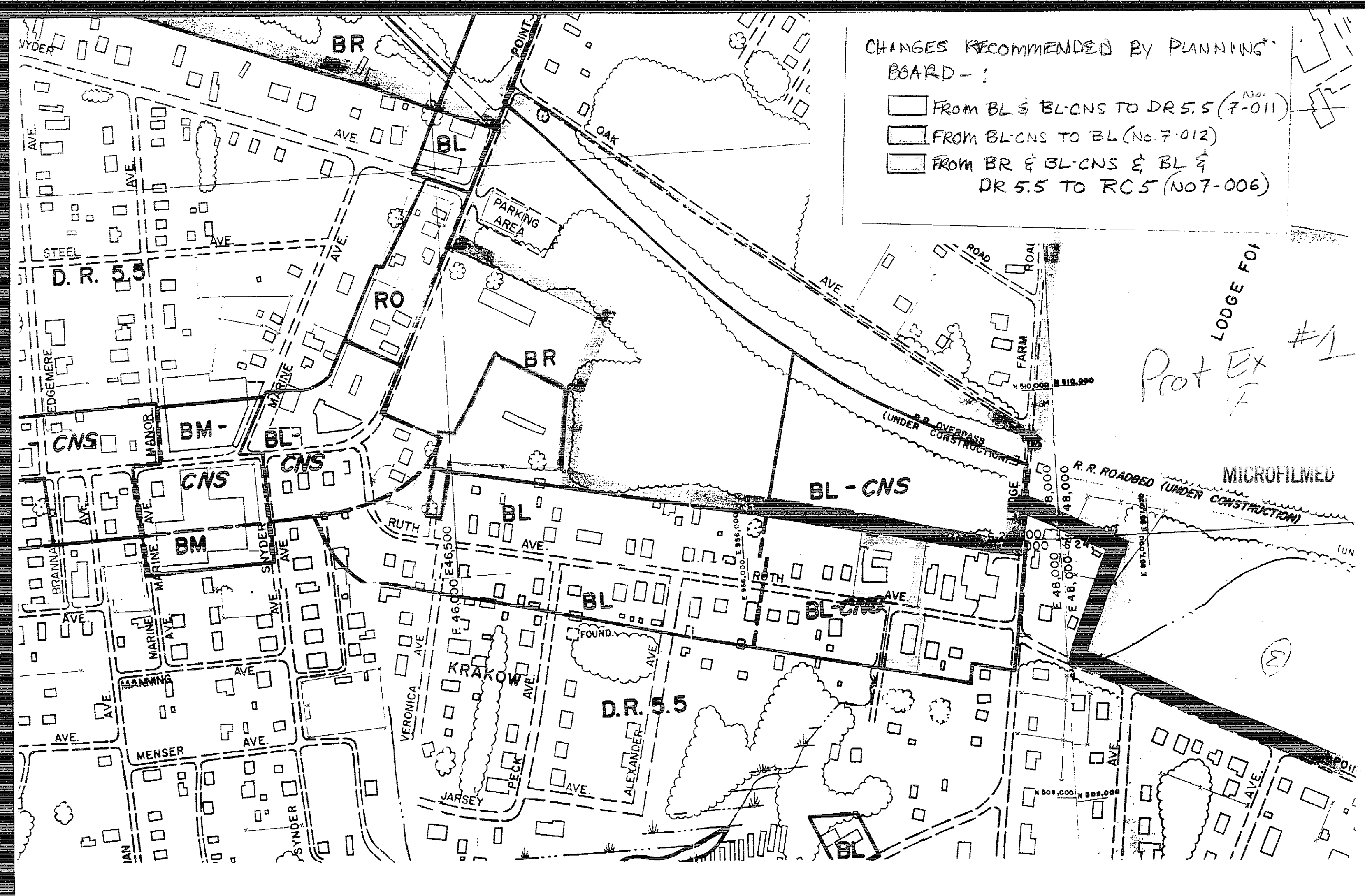
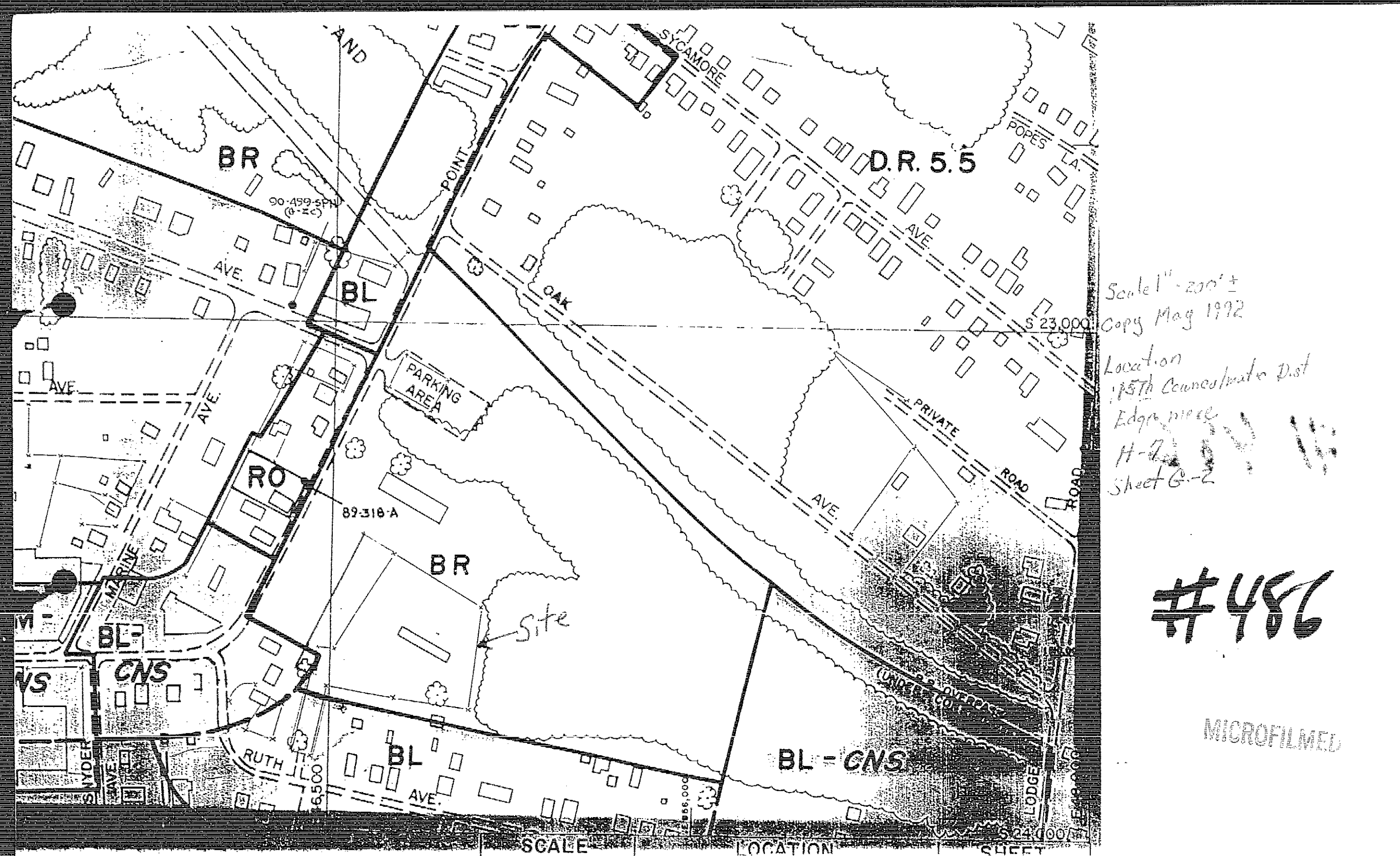
Signature	Address
1. Linda Pauland	2612 Sparrow Pt. Rd.
2. David Perry	2612 Sparrow Pt. Rd.
3. Jeanne Everett	2614 Sparrow Pt. Rd.
4. Mildred Blackman	2608 Sparrow Pt. Rd.
5. Penny R. Bickel	2410 Sparrow Pt. Rd.
6. James A. Leach	2602 Sparrow Pt. Rd.
7. C. H. Kavanagh	3411 E. Towson Rd. MD.
8. W. A. White	7717 Bayview Rd.
9. John E. Davis	2601 Sparrow Point Rd.
10. Betty Bennett	2510 Ruth Ave.
11. Frank M. S. S. S.	2402 Ruth Avenue
12. Carl C. C.	7722 Valley Forest Dr.
13. Tom K. K.	2334 Ruth Ave. Dmwy
14. John C. C.	2339 Ruth Ave.
15. Patricia Taylor	2324 Ruth Ave.
16. J. J. J.	2320 Ruth Ave.
17. Mary Ann J.	2318 Ruth Ave.
18. Samuel James J.	2318 Ruth Ave.
19. William J. J.	2318 Ruth Ave.
20. Samuel J. J.	2318 Ruth Ave.
21. Stephanie J.	2318 Ruth Ave.
22. Joseph A. A.	2511 Valley Forest Dr.
23. J. J. J.	2510 Valley Forest Dr.
24. David M. M.	2508 N. Angles Ave.
25. Jack V. V.	5740 White Ave Rd.

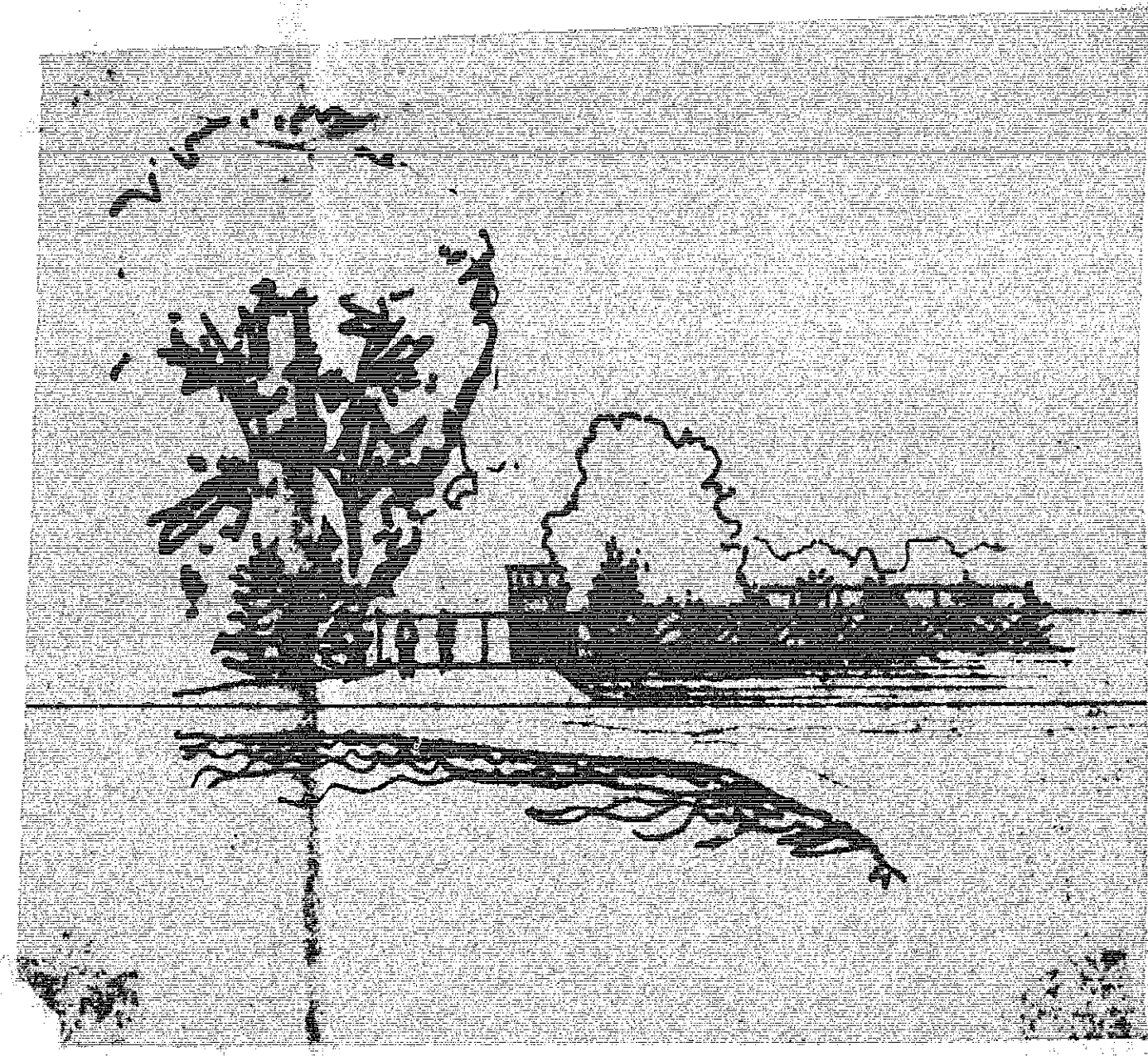
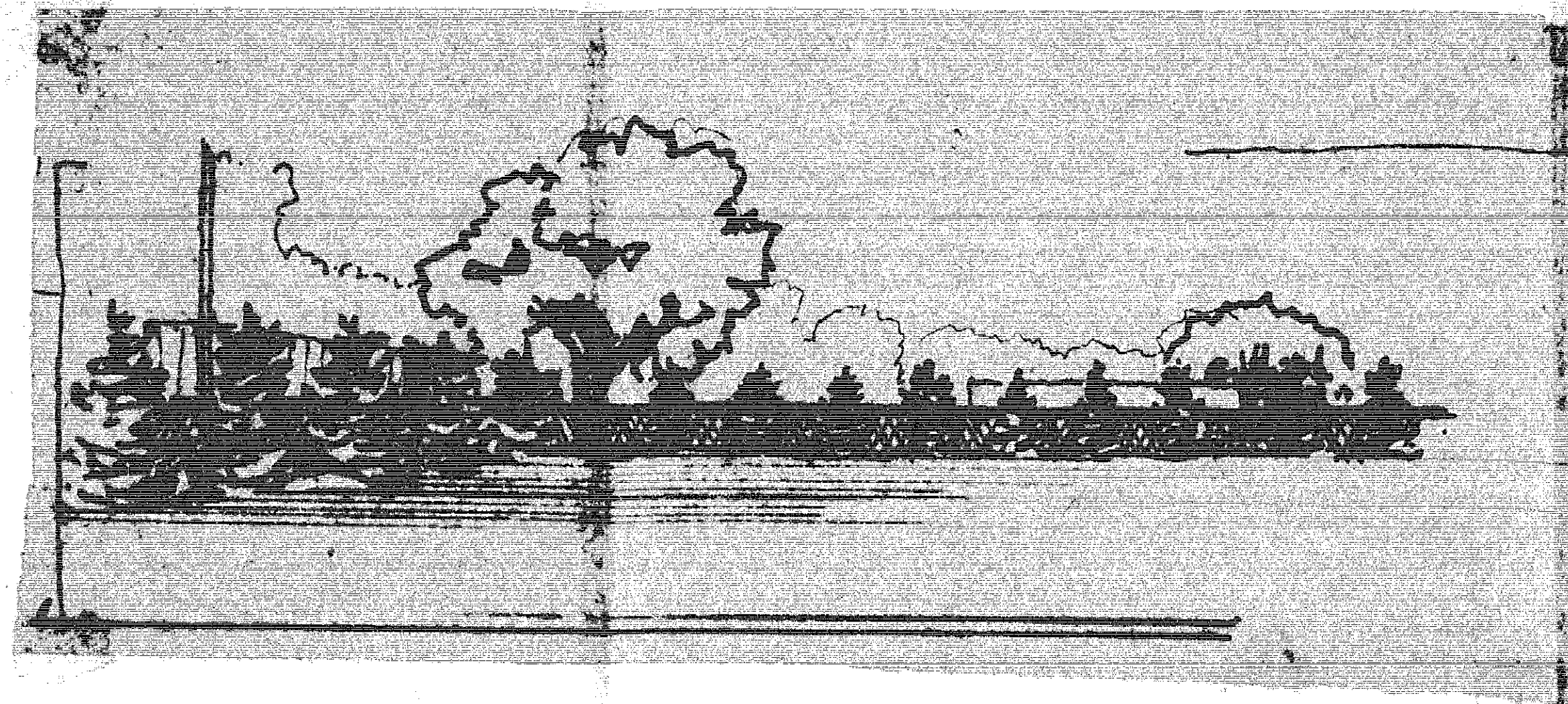
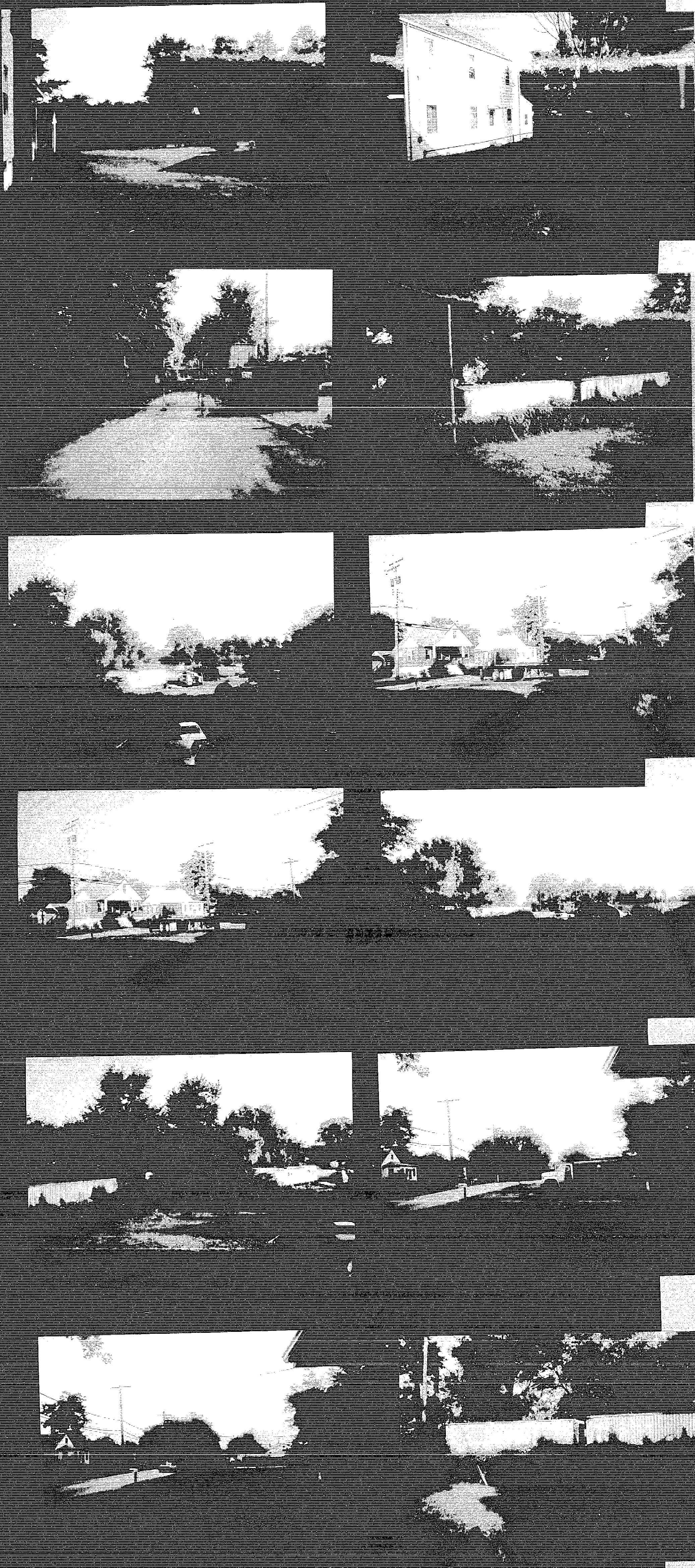
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Photographs
in Case

92-459-SPH

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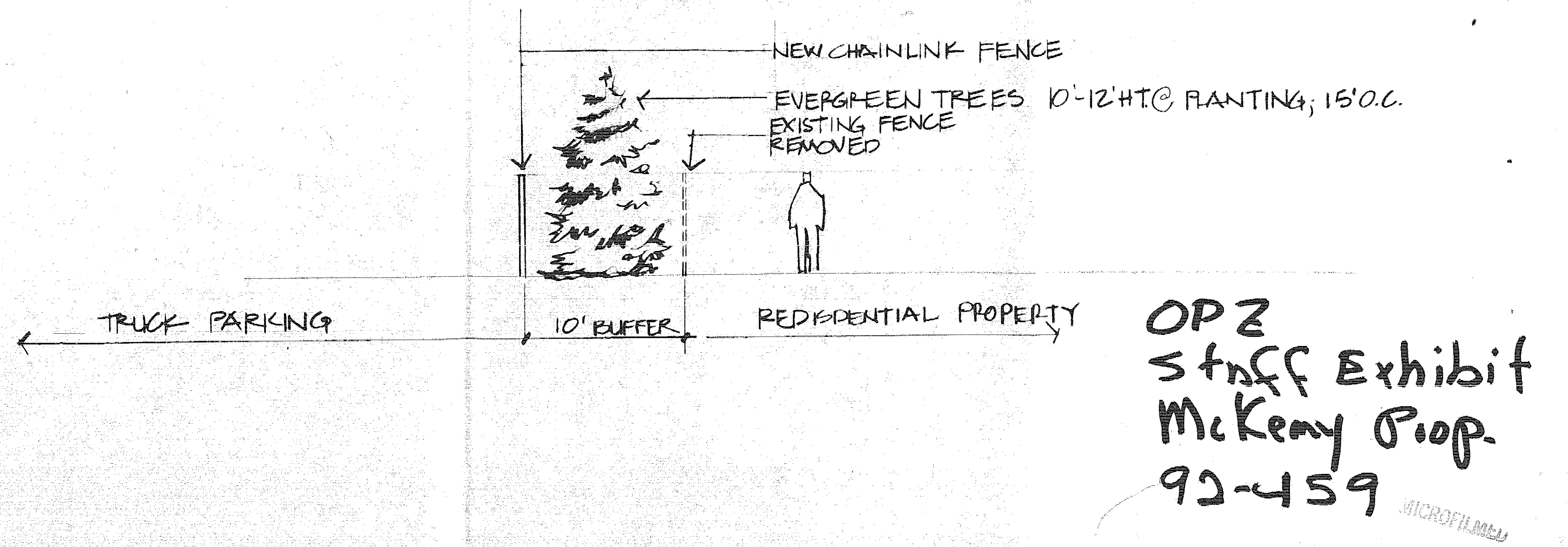
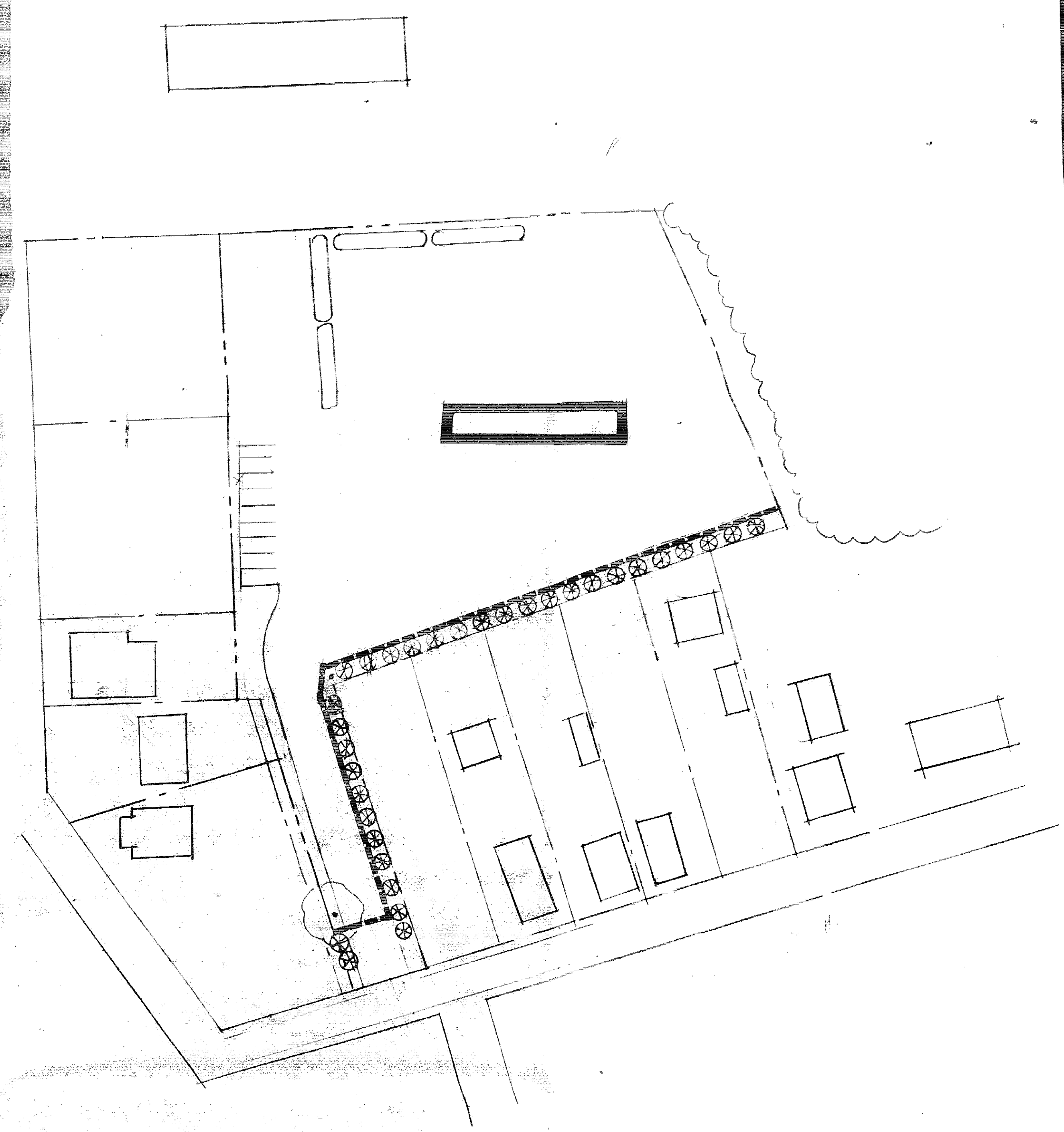
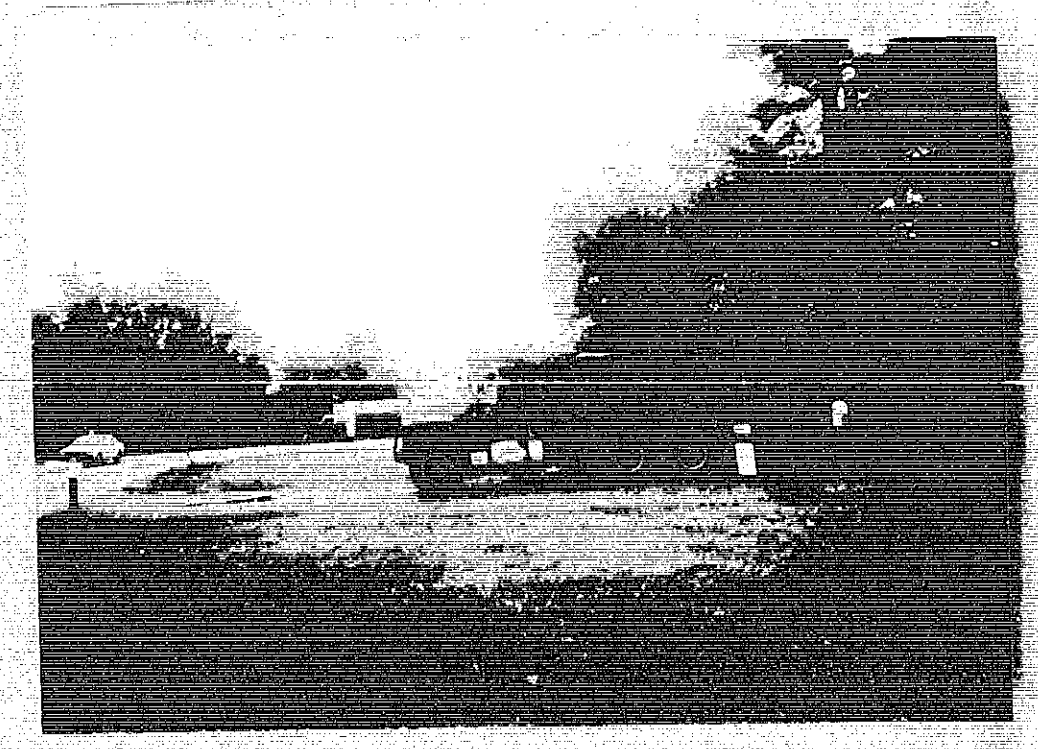




IDENTIFYING PROFESSIONALS, INC.
2401 Flinn Avenue
Baltimore, Maryland 21218
"Satisfying Today's Needs for Tomorrow's Growth"

Nathaniel Covington
Executive Recruiter

Tel. (410) 477-0997
Fax (410) 477-0997



FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

May 10, 1992

92-459-SPH

No. 2513 Ruth Avenue
15th District Baltimore County, Maryland

Beginning for the same on the north side of Ruth Avenue at the distance of South 1 degree 46 minutes 190.85 feet and South 72 degrees 42 minutes East 78 feet measured along the east side and north side of Ruth Avenue from the east side of Sparrows Point Road, thence running and binding on the north side of Ruth Avenue South 72 degrees 42 minutes 50 feet, thence running for 7 lines of division as follows: North 17 degrees 18 minutes East 185.15 feet, South 76 degrees 07 minutes East 301.20 feet, South 72 degrees 42 minutes East 50 feet, North 11 degrees 00 minutes East 218.20 feet, North 57 degrees 29 minutes West 276.02 feet, South 31 degrees 20 minutes West 307.28 feet South 57 degrees 29 minutes East 16 feet and South 17 degrees 18 minutes West 182.20 feet to the place of beginning.

Containing 2.12 acres of land more or less.

#486



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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 6/19/92
 Posted for: Special Hearing
 Petitioner: Leon G. McKamy
 Location of property: N/S Ruth Ave. 103' E of c/l Sparrows Pt. Rd.
 2513 Ruth Ave.
 Location of sign: Facing roadway on property being zoned
 for legal non-conforming use.
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 6/26/92
 Number of signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 11, 1992

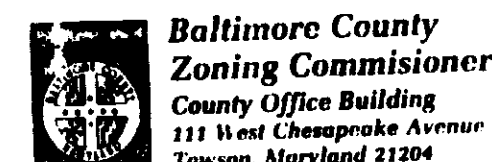
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992

THE JEFFERSONIAN,

S. Zake Orlov

Publisher

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Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

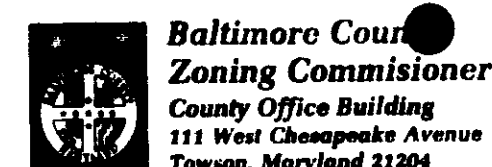
Date

12/21/92

MICROFILMED

09AD4R0072NICHRC \$250.00
EA C011:00AM05-18-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

Date

6/20/92

PUBLIC HEARING FILE

CBO POSTING SIGN / ADVERTISING 1 X

LAST NAME OF OWNER: MCKAMY

PRICE

\$60.40

TOTAL: \$60.40

MICROFILMED

Please Make Checks Payable To: Baltimore County \$60.40
EA C011:00AM06-30-92

Cashier Validation

Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6-18-92

Leon G. McKamy
2508 N. Snyder Avenue
Baltimore, Maryland 21219

RE:
 CASE #92-459-SPH (Item 486)
 N/S Ruth Avenue, 103' E of c/l Sparrows Point Road
 2513 Ruth Avenue
 15th Election District - 7th Councilmanic
 Petitioner(s): Leon G. McKamy
 HEARING: WEDNESDAY, JULY 8, 1992 at 2:00 p.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via Federal Express to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jablon

ARNOLD JABLON
DIRECTOR

Paid 6/24/92. Check #138

RECEIVED
JUN 25 1992

ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-459-SPH (Item 486)
 N/S Ruth Avenue, 103' E of c/l Sparrows Point Road
 2513 Ruth Avenue
 15th Election District - 7th Councilmanic
 Petitioner(s): Leon G. McKamy
 HEARING: WEDNESDAY, JULY 8, 1992 at 2:00 p.m. in Rm. 106, Office Building.

Special Hearing to approve the legal non-conforming use of the subject contractor's equipment storage yard.

Lawrence E. Schmidt

Zoning Commissioner
Baltimore County

cc: Leon G. McKamy

NOTE: HEARING AND SUBMITTED DOCUMENTS; FOR SPECIAL ACCOMMODATION PLEASE CALL 887-3353.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1992

(410) 887-3353

Mr. Leon G. McKamy
2508 N. Snyder Avenue
Baltimore, MD 21219

RE: Item No. 486, Case No. 92-459-SPH
 Petitioner: Leon G. McKamy
 Petition for Special Hearing

Dear Dear Mr. McKamy:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 15th day of May, 1992

ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman
Zoning Plans Advisory Committee

Petitioner: Leon G. McKamy

Petitioner's Attorney:

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**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: June 5, 1992
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
 for June 8, 1992
 Item 486

The Developers Engineering Division has reviewed the subject zoning item and we feel that the Landscape Manual's Class 'A' buffer should be required for all adjacent residential uses and zones.

Robert W. Bowling, P.E.
Chairman
Developers Engineering Division

RWB:DAK:s

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 19, 1992

SUBJECT: Leon McKenny Property

INFORMATION:
Item Number: 486
Petitioner: Leon G. McKenny
Property Size: 2.12 acres
Zoning: BR, BL
Requested Action: Special Hearing, Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a special hearing to allow an existing non-conforming contractor's equipment storage yard in a BR zone and a variance to allow a 3 foot setback in lieu of 30 feet.

The site plan that was submitted does not reflect existing conditions as required by the development regulations. Staff from the Office of Planning and Zoning visited the site and found many conditions that were not shown on the plan. Located along the entrance road are at least five tractor trailers that appear to be permanently stored. Also, located along the south property line, adjacent to the residential area, are at least 3 large oil storage tanks, a pile of macadam and some old dilapidated machinery. The plan must reflect these existing conditions.

Single family homes exist on the west side of the property at the entrance road and also all along the south property line. These residents have serious concerns regarding the operation of this business. A portion of the access road and the remainder of the site is composed of compacted stone and dirt which of course creates dust and dirt. During dry summers dusty and dirty conditions are exacerbated and affects the adjacent residences.

The Office of Planning and Zoning is assuming that the petitioner is proposing 37 parking spaces for trucks because that condition doesn't currently exist. Those areas where the parking spaces are proposed contain storage tanks, trailers and other junk. If the petitioner is proposing parking spaces for trucks, is the petitioner changing his business from a contractors storage yard to a class II trucking facility? If this is the case, staff is vehemently OPPOSED to this type of use because this business is located in a residential area.

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ZAC COMMENTS

Based upon the information provided and analysis conducted, staff recommends APPROVAL of part of the applicant's request subject to all of the conditions noted being addressed prior to approval of this request. The staff recommends that:

- The trailers should be removed from the access road, old machinery and vehicles should be removed from the site and the oil storage tanks should be moved away from the adjacent residential area. If there is a fire in those tanks and the substance being stored in those tanks is flammable then the homes nearby are at risk. This situation could be a real safety hazard.
- The hours of operation should be restricted to normal business hours and truck traffic not allowed to continue after those normal business hours.
- The variance for the 3 foot setback in lieu of the 30 foot requirement along the southern property line, adjacent to the residential properties, should be REVIEWED. Currently, a fence runs along this property line. The fence is overgrown with vines and trees and vegetation parallel the fence on the petitioners side. If the petitioner is allowed to start his operations 3 feet from the fence then substantial trees and screening would be taken down. This should not be allowed to occur because this is the only effective buffer separating the residences and the junk yard like business that now exists. Our office suggests that a limit of disturbance line be drawn along this property line in order to prevent the petitioner from encroaching in this area and removing existing vegetation.
- Dense evergreens should also be planted to supplement the existing vegetation along this property line.
- Additional paving should be provided to keep the dust down.

Prepared by: Francis Money

Division Chief: Chris McDaniel

EMC/JH:rdn

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JUN 22 1992

ZONING OFFICE

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Pg. 2

486.ZAC/ZAC1

06/08/92

Development Review Committee Response Form
Authorized signature: *Robert J. Family* Date: 6/8/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swim	477	NIC	6-1-92
DED DEPRM RP STP TE			
Albert F. And Ann B. Nocar	478	More Time	
DED DEPRM RP STP TE			
Maryland Marine Manufacturing Co., Inc.	479	More Time	
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig	480	NIC	
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481	NIC	
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485	NIC	
DED DEPRM RP STP TE			
✓ Leon G. McKenny		NIC	
DED DEPRM RP STP TE			
✓ Williams Management Services, Inc.	487	NIC	
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488	NIC	
DED DEPRM RP STP TE			
✓ Matthew F. Reckenberger, Jr.	490	NIC	
DED DEPRM RP STP TE			
✓ Herbert H. And And Betty Rosen	491	NIC	
DED DEPRM RP STP TE			
✓ Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492	NIC	
DED DEPRM RP STP TE			

RECEIVED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: June 16, 1992

FROM: J. Lawrence Pilsbury
Development Coordinator, DEPRM

SUBJECT: Zoning Item 486
#2513 Ruth Avenue
Zoning Advisory Committee Meeting of June 1, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

On June 4, 1992, an inspection of this property was conducted by the Bureau of Air Quality Management. It was noted that heavy construction equipment was located and operated on the premises. It is our opinion that if this equipment is operated during the hours from 10:00 p.m. to 7:00 a.m., the noise levels imposed on the adjacent properties (Zoned BR and BL) may exceed the State of Maryland Noise Pollution Standards.

JLP:sp

JABLON/S/TXTSBP

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JUN 23 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

MAY 27, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LEON G. MCKENY

Location: #2513 RUTH AVENUE

Item No.: +486 (MJK) Zoning Agenda: JUNE 1, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John J. Fisher* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KEK

RECEIVED
MAY 29 1992

ZONING OFFICE

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Development Review Committee Response Form
Authorized signature: *Robert J. Family* Date: 6/8/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swim	477	No Comment	6-1-92
DED DEPRM RP STP TE			
✓ Albert F. And Ann B. Nocar	478	No Comment	
DED DEPRM RP STP TE			
✓ Maryland Marine Manufacturing Co., Inc.	479	No Comment	
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig	480	No Comment	
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481	No Comment	
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485	No Comment	
DED DEPRM RP STP TE			
✓ Leon G. McKenny		No Comment	
DED DEPRM RP STP TE			
✓ Williams Management Services, Inc.	487	No Comment	
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488	No Comment	
DED DEPRM RP STP TE			
✓ Matthew F. Reckenberger, Jr.	490	No Comment	
DED DEPRM RP STP TE			
✓ Herbert H. And And Betty Rosen	491	No Comment	
DED DEPRM RP STP TE			
✓ Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492	No Comment	
DED DEPRM RP STP TE			

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Ervin McDaniel, Chief
Development Review Section
DATE: June 29, 1992

FROM: Jackie MacMillan
Office of Planning & Zoning

SUBJECT: MCKENY PROPERTY, RELATED COMPREHENSIVE ZONING MAP PROCESS (CZMP) ISSUES

The McKenny Property lies on the north side of Ruth Avenue to the rear of dwellings that front on Ruth Avenue. The dwellings are part of CZMP Issue No. 7-011, shown on the attached map in yellow. The Planning Board has recommended that the area encompassed by CZMP Issue No. 7-011 be changed from BR and BL-CMS to DR 5.5.

The wooded area to the east of the McKenny Property is part of the North Point State Park. It is also part of CZMP Issue No. 7-006 which encompasses 68 contiguous acres of State parkland. The 68 acre area currently has a variety of commercial and industrial zoning designations as well as a large segment zoned DR 5.5.

A portion of CZMP Issue No. 7-006 is shown in pink on the attached map. The Planning Board has recommended a change to RC 5 for the entire area represented by Issue No. 7-006.

If the County Council concurs with the Planning Board on the CZMP issues mentioned above, the land surrounding the McKenny Property will soon change from BR to RC 5 on the east and from BL to DR 5.5 on the south. The zoning recommended by the Planning Board for these areas is consistent with the existing land uses, which are, respectively public open space and residential.

JH:lw
JUN 29 1992

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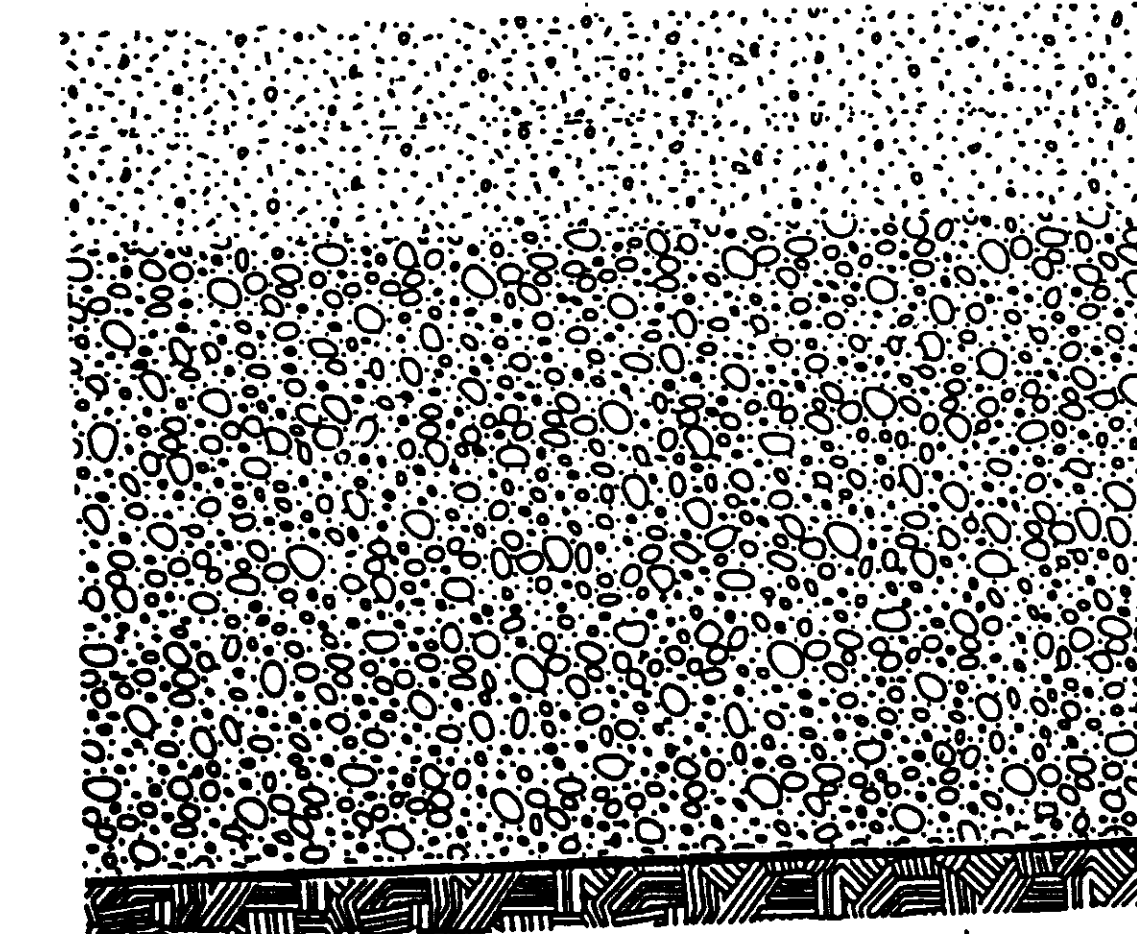
SCHEMATIC OF POROUS STONE SURFACE

6-89

Porous stone surfaces have a high capability to remove both soluble and fine particulate pollutants in urban runoff, and also provides groundwater recharge, low flow augmentation, and stream-bank erosion control. Its use is generally restricted to low volume parking areas, although it can accept runoff from rooftop storage or adjacent conventionally paved areas. As BMP, porous pavement is only feasible on sites with gentle slopes, permeable soils, and relatively deep water table and bedrock levels. When these conditions are met, porous stone surfaces are a reasonably cost-effective BMP, particularly if off-site runoff contributions are not great.

When properly designed and carefully installed, porous stone surfaces have load bearing strength, longevity, and maintenance requirements similar to conventional pavement. Some other advantages of porous stone surfaces are reduced land consumption, reduction or elimination of the need for curb and gutters and downstream conveyance systems, and the preservation of the natural water balance at the site.

Side View



#7 Stone (per gravel)
At A Depth of 3"

#6 Stone
At A Depth Of 3"

#2 Stone
At A Depth Of 8"

Amoco Ground Stabilization
Fabric 2006 or Equal
Undisturbed Soil

BALTIMORE COUNTY, MARYLAND

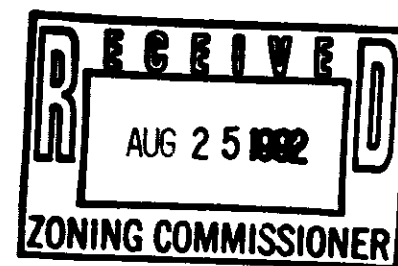
INTER-OFFICE CORRESPONDENCE

TO: Tim Kotroco
Deputy Zoning Commissioner

DATE: August 25, 1992

FROM: Pat Keller, Deputy Director
Office of Planning & Zoning

SUBJECT: McKemy Property

(Case No. 92-459)
(Item No. 486)

Based upon a site visit August 24, 1992, the Office of Planning and Zoning provides the following additional comments and conditions should the petitioner's request be granted.

1. The hours of operation, especially outdoor operation will clearly have an impact on the adjoining residences. The hours of operation should be limited to reasonable daytime use of the property.
2. The property most affected by the use is the Covington Lot. Staff would suggest that either 1) a landscape plan and fence as shown on staff exhibit be provided along the Covington Property or 2) a 10 foot setback be maintained along the Covington Property with appropriate evergreen plantings provided inside the Covington Property (subject to agreement by the petitioner and Mr. Covington).
3. No storage of materials, containers, etc., or parking of vehicles should be allowed in or along the access drive.
4. The site should continue to be cleaned up to remove old metal, inoperable vehicles, and other items not used by the business.
5. A note should be provided on the Plan stating that the site will only be used for a contractor's equipment storage yard.
6. The State of Maryland should be notified to determine if any activity or use of the site has occurred on the adjoining State Park. This land was formerly owned by Bethlehem Steel and was conveyed to the State for use as a park. Any encroachment into the park should be immediately remedied.
7. A durable and dustless surface should be provided in accordance with Section 409.8A2 of the Zoning Regulations to minimize the problem of fugitive dust.

Pat Keller
Pat Keller
Deputy Director

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PK:bjs
MCKEMY/ZAC1Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 10, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-459-SPH
LEGAL OWNER: LEON G. MCKEMY
LOCATION: 2513 RUTH AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

THURSDAY, AUGUST 13, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 118, COURTHOUSE, 400 WASHINGTON AVENUE,
TOWSON, MARYLAND 21204.

Lawrence E. Schick
Lawrence E. Schick

ZONING COMMISSIONER
BALTIMORE COUNTYcc: Leon G. McKemy
Walter I. Seif, Jr., Esq.

MICROFILMED

WALTER I. SEIF, JR.

ATTORNEY AT LAW
1314 BEDFORD AVENUE, SUITE 107
Pikesville, Maryland 21208OFFICE (410) 486-3878
FAX (410) 486-7006

WALTER I. SEIF, JR.

June 30, 1992

Office of Zoning Admin.
and Dev. Management
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Arnold Jablon, Director

Re: Special Exception: McKemy
Case No. 92-459-SPH

Dear Mr. Jablon:

Please enter my appearance as attorney for the Petitioner, Leon G. McKemy. Please postpone the July 8, 1992 Hearing for this case as I must appear at the District Court at Hyattsville, MD at 1:00 p.m. on that date.

I would like to suggest the following dates as possible alternatives: Week of July 27, 1992, Week of August 3, 1992 except for the afternoon of August 6, 1992, and the Week of August 10, 1992.

Very truly yours,

Walter I. Seif, Jr.

WISips

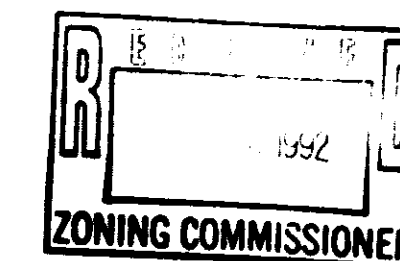
CC: Leon G. McKemy

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JUL 1 1992

ZONING OFFICE

August 14, 1992



Mr. Timothy M. Kotroco
Deputy, Zoning Commission
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Md. 21234

Dear Mr. Kotroco,

I am enclosing pictures taken, during the last two weeks, of truck traffic entering and leaving M & M Oil Company. The types and sizes of the trucks vary from day to day as well as time of travel. Trucks have started business runs as early as 5:30am and continued to midnight. Personally, I believe that a man should not be hampered in his efforts to make a living unless those efforts infringe upon the rights of others.

I find it very frustrating that to men can't sit down to discuss possible solutions to situations care of pride. My efforts to speak with Mr. McKinny resulted in total frustration. The issues we discussed were not taken seriously yet in the last two weeks He has feverishly tried to clean-up. The I will do it if you make me attitude is somewhat juvenile.

In summary, I would like to thank you for your efforts to fairly evaluate the situation and made recommended changes based on your inspection.

Sincerely,

Nathaniel Covington
Nathaniel Covington

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
VIRGINIA E. TOLBERT	7741 NEW POINT CREEK RD BALTIMORE MD 21234
Pearl Grotling	7718 North Point Creek Rd. Baltimore MD 21219
William C. Brown	2401 42nd Ave 21214
477-0997	
477-1579 Evening	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Walter A. Joe	7607 Rockwood Rd. 21209
19641 RTR III	2513 Ruth Ave 21219
Robert Farmer	6533 Poplar Lane 21219
Jack Peking	2526 Manor Ave 21219
Clifford Schwartz	2510 Ruth Ave 21219
Randy Rott	2513 Ruth Ave 21219
D.H. Myers	9100 MILLERS LANE DEVA 21214
Tom Mahesh	7745 New Point Creek Rd 21219
Jim Skarow	7765 N. Pt. Cr. Rd.
Joan McKemy	2508 N. Angles Ave 21219

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12 AUGUST, 1992

TO WHOM IT MAY CONCERN,
I AM WRITING THIS LETTER IN SUPPORT OF HACK MC KENNEY'S ZONING HEARING. I HAVE LIVED IN EDGEHURST FOR 58 YEARS. MY GRANDMOTHER USED TO OWN THE PROPERTY ON RUTH AVE NEXT TO HACK'S DRIVEWAY AND BACK TO BACK WITH HIS DURING THE 40'S. THE PROPERTY (HACK'S) WAS AT THAT TIME BEING USED BY A CONSTRUCTION COMPANY AND HAS CONTINUED TO BE USED IN THAT FASHION SINCE. THE PROPERTY IS FENCED IN AND NOT VISIBABLE FROM THE ROAD. I CAN SEE NO REASON NOT TO SUPPORT THE ZONING REQUEST. THE BUSINESS IN QUESTION HAS BEEN A GOOD NEIGHBOR AND PROVIDES JOBS AND INCOME FOR THE NEIGHBORHOOD. I THINK IT IS IN THE INTEREST OF BALTIMORE COUNTY TO HELP PROTECT BUSINESS'S WHICH SUPPLY JOBS AND TAXES THAT HELP SUPPORT OUR COMMUNITY, ESPECIALLY SO, DURING THESE BAD ECONOMIC TIMES. IF I CAN BE OF ANY OTHER HELP, FEEL FREE TO CONTACT ME.

A CONCERNED NEIGHBOR,
NORMAN BOCK
7201 HUGHES AVE 21219
TEL. HOME 477 2857
WORK 388 7210

Norman Bock

PETITIONER'S EXHIBIT 2

all of these signatures obtained on 8-8-92

Undersigned resident of Edgemere, Maryland located in Baltimore

County do not oppose the daily operation and the use of the lot at 2513 Ruth Avenue by M&M Fuel Co Inc.

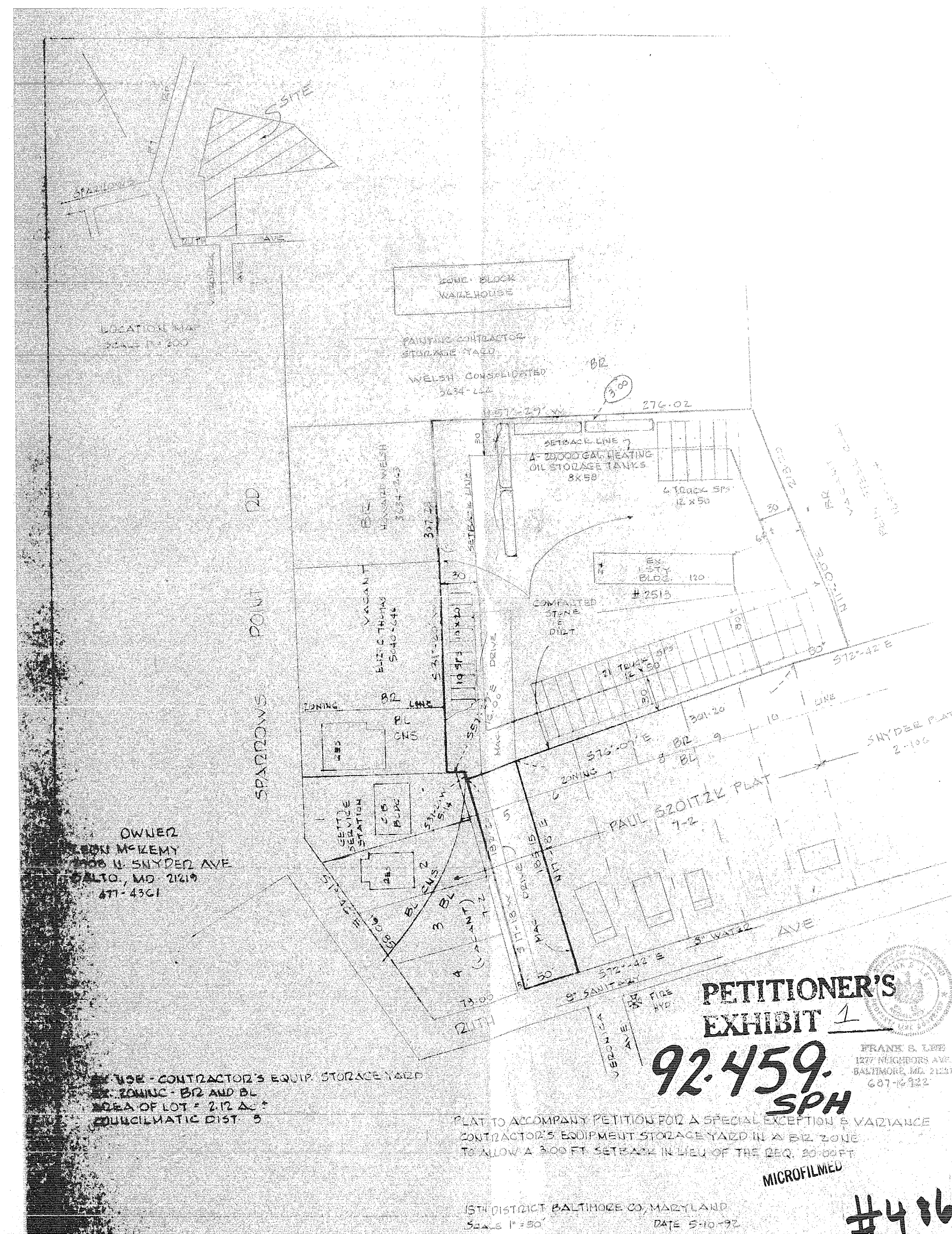
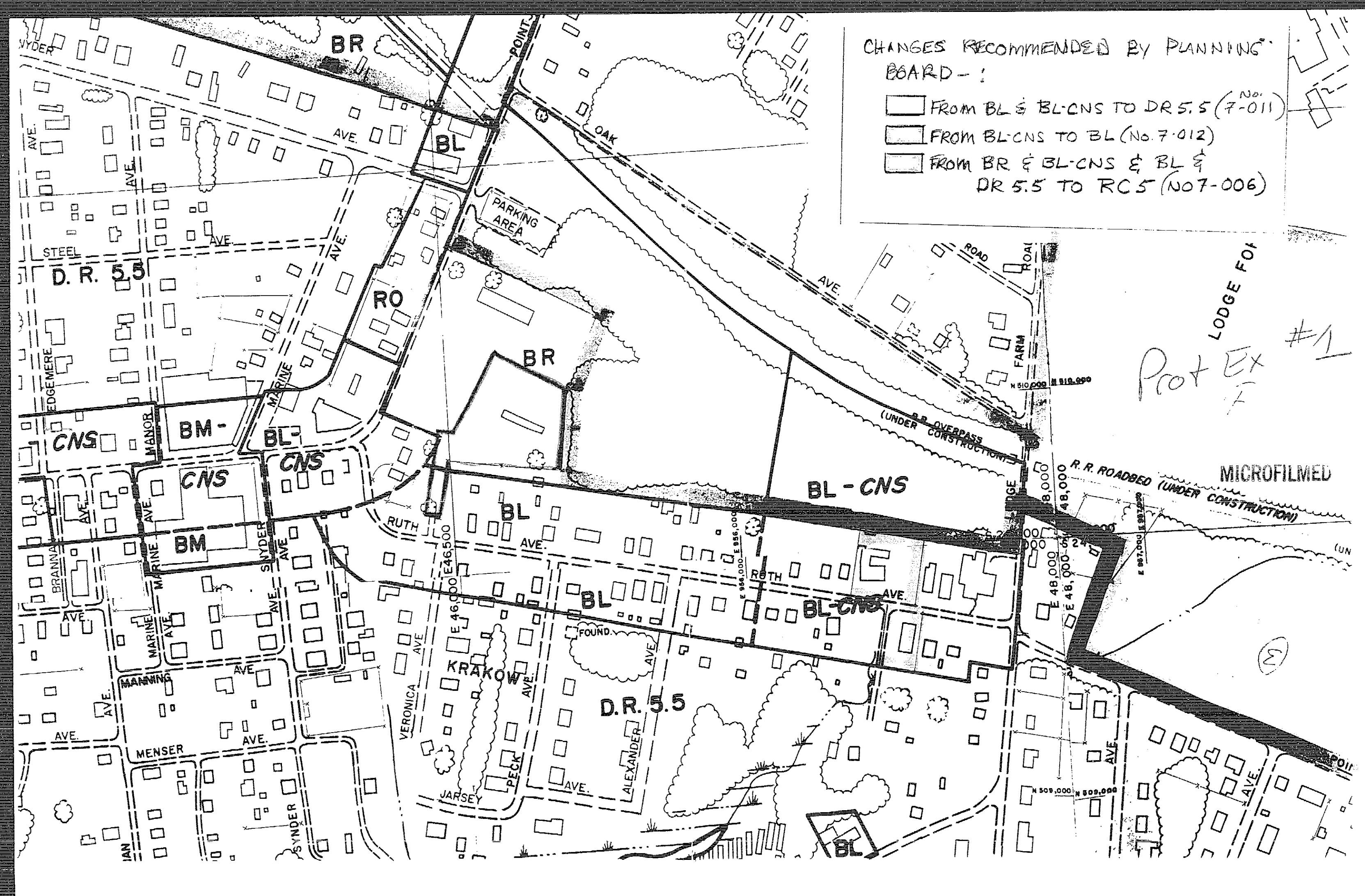
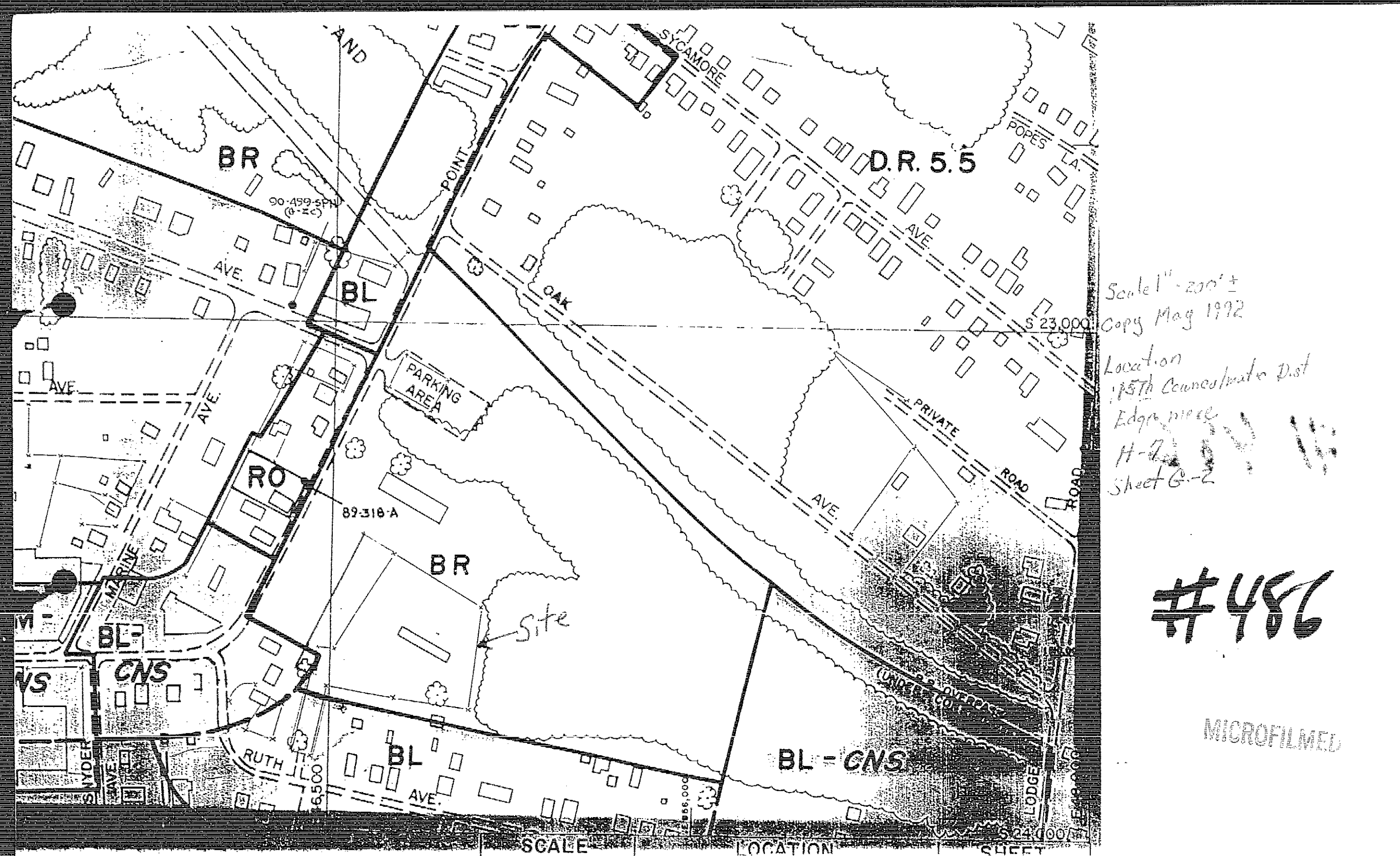
Signature	Address
Sandra Pauland	2612 Sparrow Pt Rd
Dana Perry	2612 Sparrow Pt Rd
Deanne Everett	2614 Sparrow Pt Rd
Mildred Blackman	2608 Sparrow Pt Rd
Bernie R. Bickel	2410 Sparrow Pt Rd
James A. Leach	2602 Sparrow Pt Rd
Cliff Korman	3411 E. Towson Rd. MD
W. A. Wright	7717 Bayview Rd.
John E. Davis	2601 Sparrow Point Rd
Patricia Bennett	2510 Ruth Ave
Frank M. S. S. S.	2402 Ruth Avenue
Paul C. S. S.	7722 Valley Forest Dr
Tom Korman Jr	2334 Ruth Ave. Dmwy
John C. S. S.	2339 Ruth Ave
Patricia S. S.	2324 Ruth Ave
James G. S. S.	2320 Ruth Ave
James S. S.	2318 Ruth Ave
Samuel James S. S.	2318 Ruth Ave
Matthew S. S.	2318 Ruth Ave
Samuel G. S. S.	2318 Ruth Ave
Stephanie S. S.	2318 Ruth Ave
Joseph S. S.	2511 Ruth Ave
James S. S.	2510 Ruth Ave
David M. S. S.	2508 N. Angles Ave
Jack V. S. S.	5740 White Ave Rd

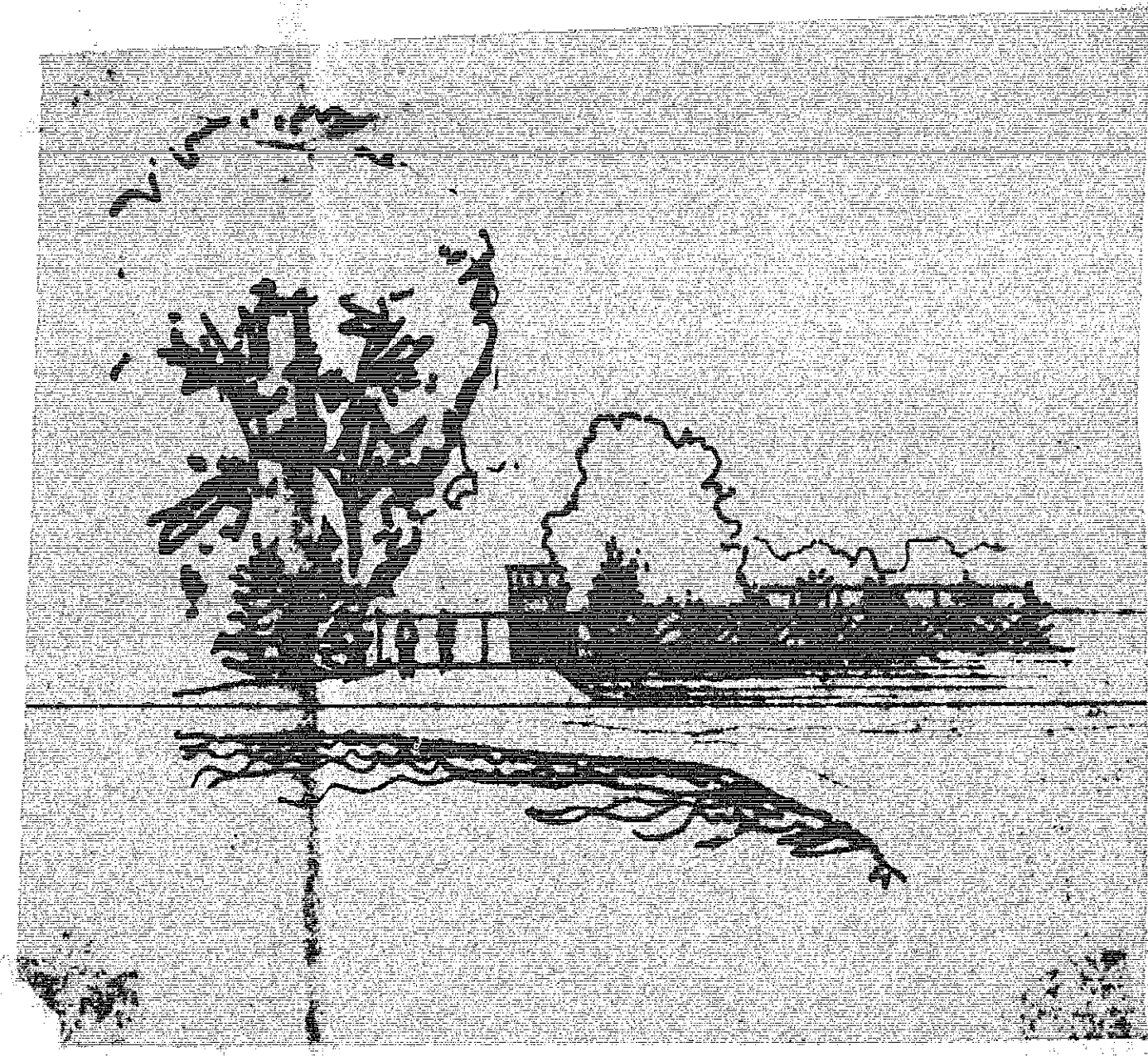
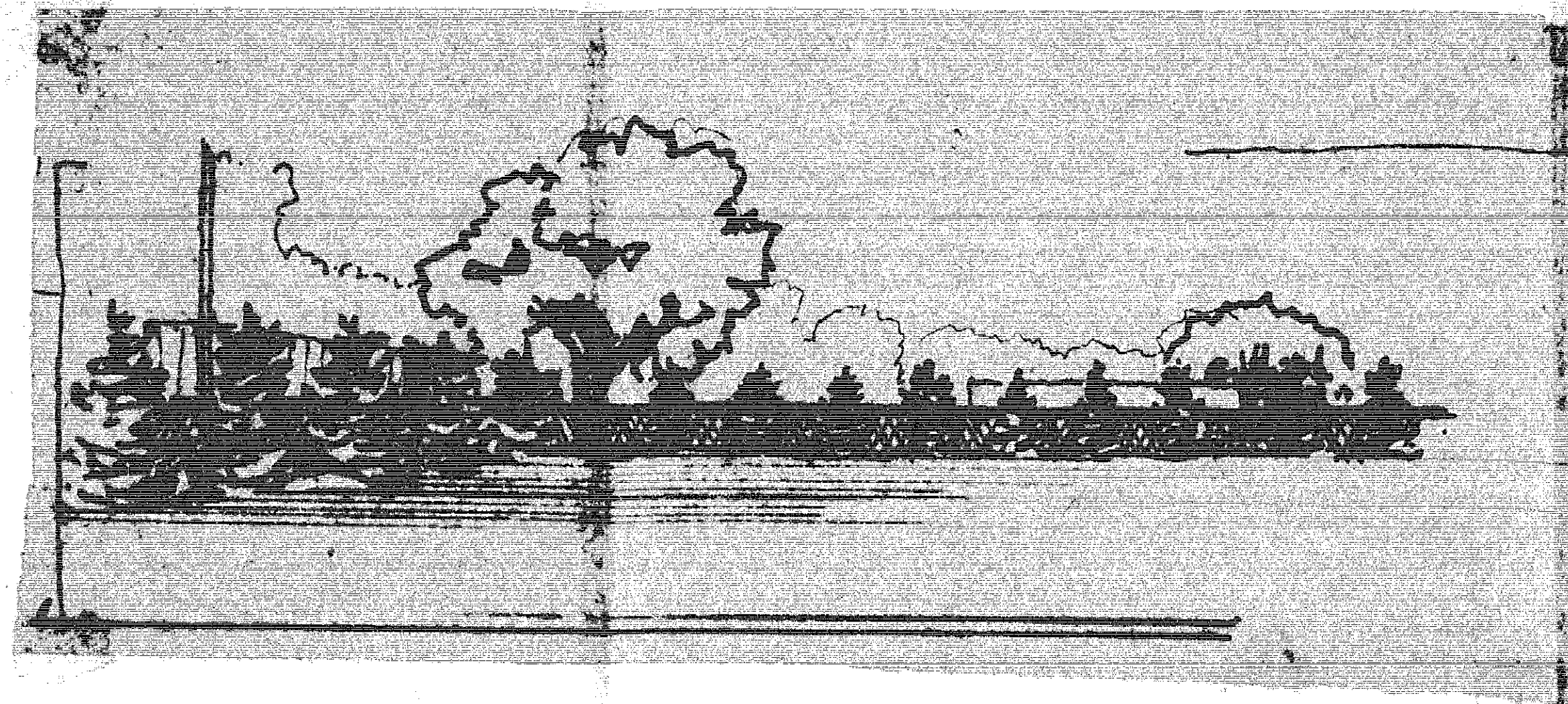
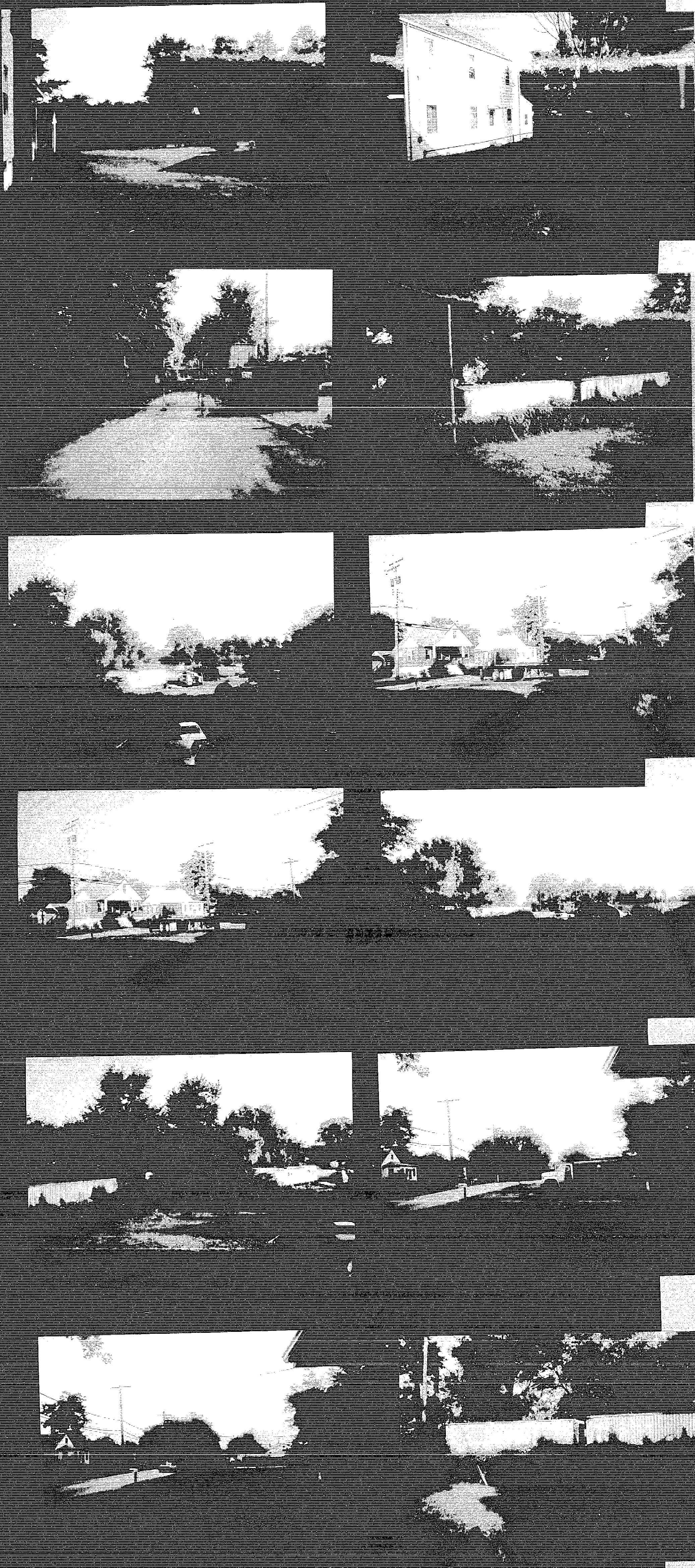
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Photographs in Case

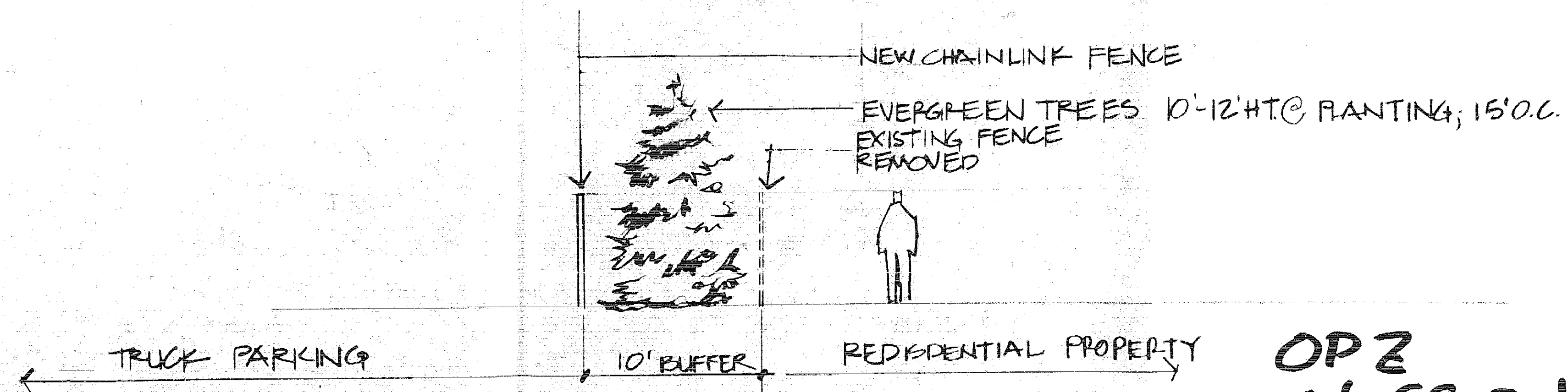
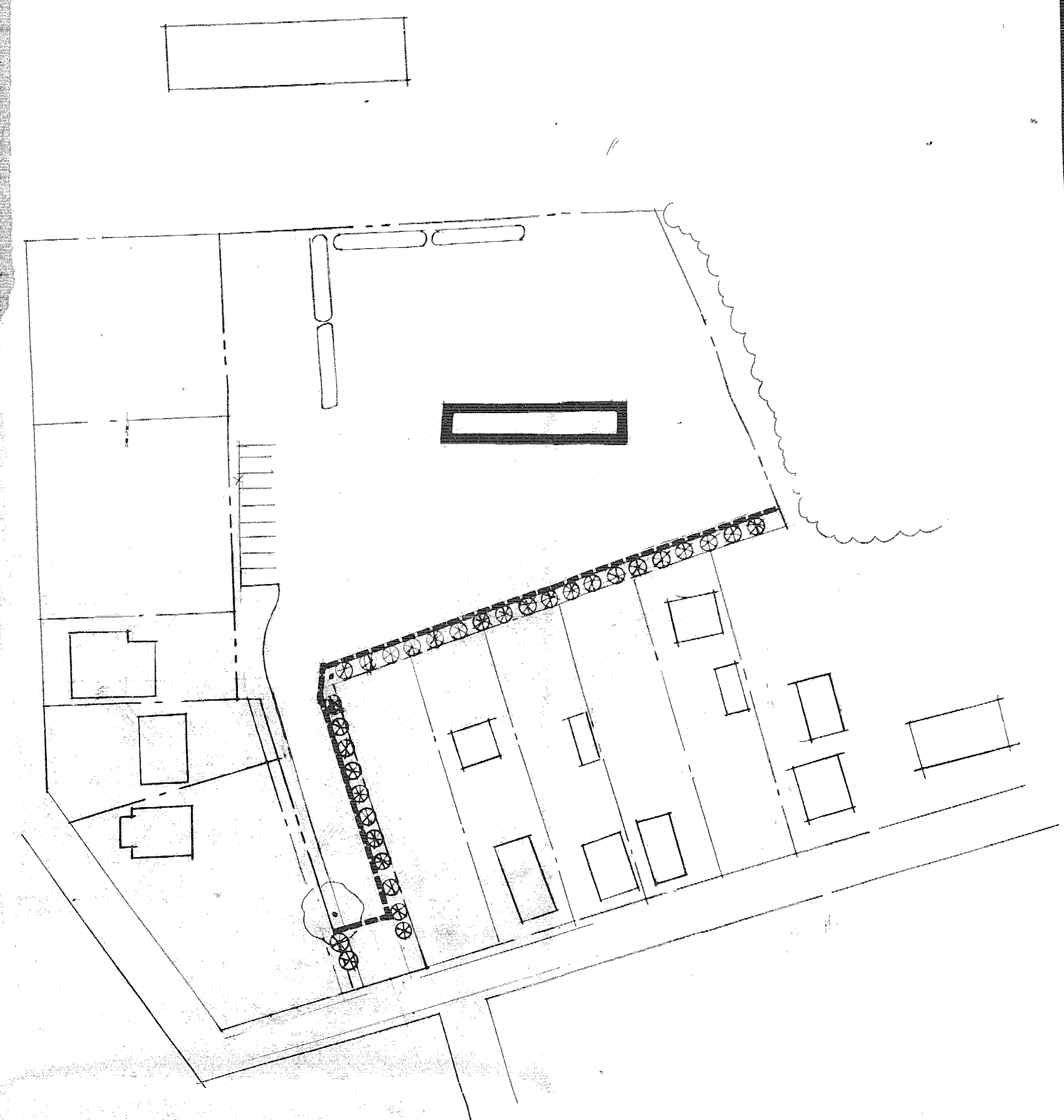
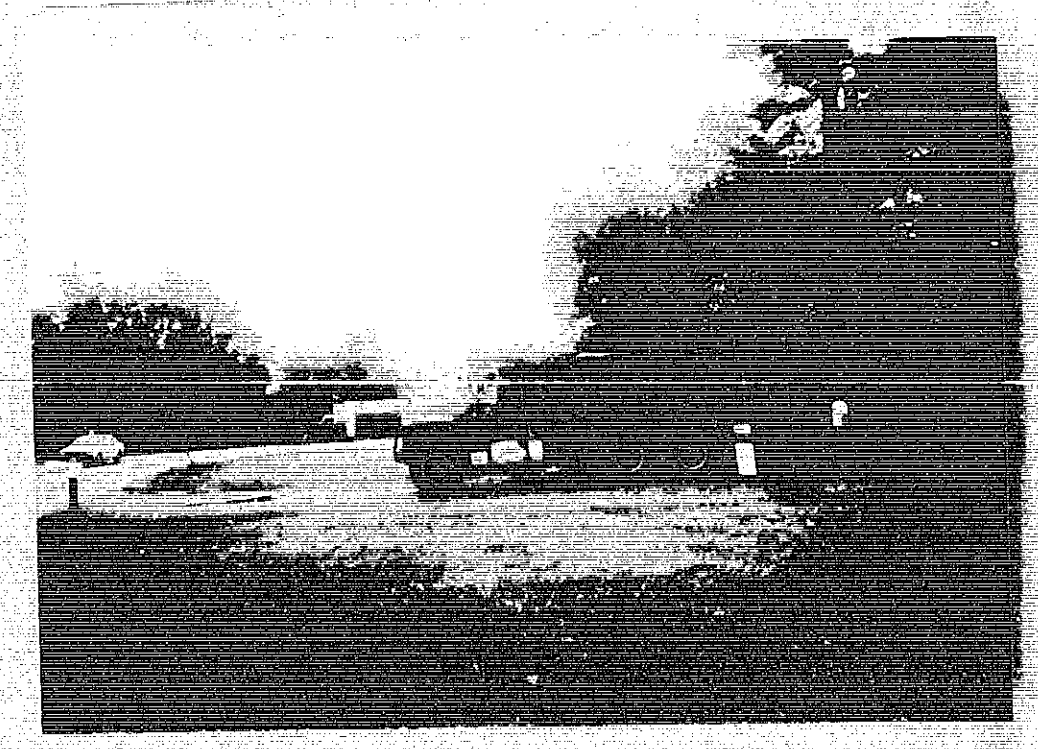
92-459-SPH

MICROFILMED





IDENTIFYING PROFESSIONALS, INC.
 2401 Flinn Avenue
 Baltimore, Maryland 21218
 "Satisfying Today's Needs for Tomorrow's Growth"
 Nathaniel Covington
 Executive Recruiter
 Tel. (410) 477-0997
 Fax (410) 477-0997



OP 2
 Staff Exhibit
 McKenry Prop.
 92-459 MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING
N/S Ruth Avenue, 103' E of
the c/l of Sparrows Point Road
(2513 Ruth Avenue)
15th Election District
7th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-459-SPH

Leon G. McKemy
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Leon G. McKemy, by and through his attorney, Walter I. Seif, Jr., Esquire. The Petitioner requests approval of the nonconforming use of the subject property, zoned B.R., as a contractor's equipment storage yard, as more particularly described on Petitioner's Exhibit 1.

Appearing and testifying on behalf of the Petition were Leon McKemy, represented by Walter I. Seif, Jr., Esquire, and numerous area residents, including an adjoining property owner, Clifford Bennett. Appearing as Protestants in the matter were Virginia E. Tolbert, Pearl Gintling and Nathaniel Covington, nearby residents of the area.

Testimony indicated that the subject property, known as 2513 Ruth Avenue, consists of 2.12 acres more or less, split zoned B.R. and B.L. and is improved with a one-story building. The Petitioner filed the instant Petition to legalize the existing use of the subject property as a contractor's equipment storage yard. Leon McKemy testified that he has used the subject property as a contractor's equipment storage yard for the past 22 years. He testified that he purchased the property from a Mr. Welsh who had previously used the property to store equipment for his trash hauling business. Testimony indicated that at the time of Mr. McKemy's purchase,

MICROFILMED

Mr. Welsh had leased the property to a building contractor to store equipment.

Walter A. Pac appeared and testified on behalf of the Petitioner. Mr. Pac testified that he has been familiar with the property since 1924. He testified that he used to live across the street from the subject site. Mr. Pac testified that based on his personal knowledge, the property has been used as a contractor's equipment storage yard since 1931. He stated that the previous owner stored heavy equipment and dump trucks on the site in 1931 and that the property has always been used to store mobile cranes, heavy equipment, trucks, etc.

Robert Farmer appeared and testified on behalf of the Petition. Mr. Farmer testified that he has been familiar with the property since 1932. He testified that the subject property has always been used as a contractor's equipment storage yard and that the use has gotten smaller over the years. Mr. Farmer testified that in the 1930s and early 1940s, the use of the property as a contractor's equipment storage yard was much larger than what exists today.

None of the Protestants who appeared and testified at the hearing could offer testimony which contradicted that presented by Mr. Pac and Mr. Farmer. It was clear that the property has been used as a contractor's equipment storage yard since prior to 1945, the effective date of the zoning regulations. However, Nathaniel Covington, who resides immediately adjacent to the driveway entrance to the subject site, testified that the property had become more of a junk yard than a contractor's equipment storage yard. He testified that much of the equipment currently stored on the site was useless, inoperable, and constituted junk. However, Mr. Covington noted that the Petitioner has been working diligently over the

ORDER RECEIVED FOR FILING

Date 11/5/92
By [Signature]

MICROFILMED

- 2 -

past months to clean up the subject site and bring it into compliance with the Baltimore County Zoning Regulations.

Prior to issuing this opinion, I felt it necessary to conduct a site visit to the subject property to determine compliance with the site plan filed in this matter. Upon inspecting the subject property, I found that the Petitioner was still in the process of removing and clearing old junk and debris from the subject property. However, based on my observations, it was clear that the Petitioner had done a tremendous job of cleaning up the property and bringing it into compliance with the B.C.Z.R. The Petitioner is now required to store and locate all equipment in an orderly fashion in accordance with the site plan submitted, marked Petitioner's Exhibit 1. Said plan depicts the proper layout of the subject site and denotes the location and storage area of all equipment utilized in the Petitioner's business. There were still some incidental items which remained to be removed from the subject property and the Petitioner assured me that these items would be removed as quickly as possible.

Joining me in my inspection of the subject property was Pat Keller, Deputy Director of the Office of Planning. Mr. Keller walked the premises with me and has submitted for inclusion in this Order, some recommendations from his office. These recommendations shall be incorporated into this Order as restrictions imposed upon the use of this property as a contractor's equipment storage yard.

It should be noted that Petitioner's Exhibit 1 identifies itself as the "Plat to accompany the Petition for Special Exception and Variance" for a contractor's equipment storage yard. In order to avoid any future confusion in this matter, Petitioner shall be required to submit a revised site plan which correctly identifies itself as the "Plat to accompany the

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Date 11/5/92
By [Signature]

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- 3 -

Petition for Special Hearing for a Nonconforming Use as a Contractor's Equipment Storage Yard" and should note thereon that the property is limited to that use only.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

ORDER RECEIVED FOR FILING

Date 11/5/92
By [Signature]

- 4 -

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a contractor's equipment storage yard since prior to the effective date of the zoning regulations, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of November, 1992 that the Petition for Special Hearing to approve the nonconforming use of the subject property, zoned B.R., as a contractor's equipment storage yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioner would be required to file a new Petition.

2) Within thirty (30) days of the date of this Order, Petitioner shall submit a revised site plan to correctly identify same as the "Plat to accompany Petition for Special Hearing". Said plan shall also include a notation thereon that the use of the subject property is limited to that of a contractor's equipment storage yard.

3) Within thirty (30) days of the date of this Order, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning. Said plan shall provide reasonable screening and landscaping to buffer the entranceway of the subject property from the ad-

joining property owned by Nathaniel Covington. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

4) The hours of operation for the contractor's equipment storage yard shall be limited to 7:00 AM to 7:00 PM, seven days a week.

5) There shall be no storage of any vehicles, equipment, containers, or materials along the entrance driveway to the subject property.

6) The subject property shall be regularly maintained in a neat and orderly fashion. All trash and debris, and any inoperable vehicles shall be removed from the premises.

7) The Petitioner shall contact the State of Maryland and obtain written notification that there has been no overflow of the subject use as a contractor's equipment storage yard on the adjoining State Park property, which was formerly owned by Bethlehem Steel and later conveyed to the State for park use. Any encroachment into the park should be immediately remedied.

8) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

9) When applying for any permits, the site plan and/or landscaping plan filed must reference this Order and set forth and address the restrictions of this Order.

[Signature]
TIMOTHY H. KOROCCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/5/92
By [Signature]

MICROFILMED

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 5, 1992

Walter I. Seif, Jr., Esquire
1314 Bedford Avenue, Suite 107
Pikesville, Maryland 21208

RE: PETITION FOR SPECIAL HEARING
N/S Ruth Avenue, 103' E of the c/l of Sparrows Point Road
(2513 Ruth Avenue)
15th Election District - 7th Councilmanic District
Leon G. McKemy - Petitioner
Case No. 92-459-SPH

Dear Mr. Seif:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

[Signature]
TIMOTHY H. KOROCCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: Ms. Virginia E. Tolbert
7741 North Point Creek Road, Baltimore, Md. 21219

Ms. Pearl Gintling
7718 North Point Creek Road, Baltimore, Md. 21219

Mr. Nathaniel Covington
2401 Ruth Avenue, Baltimore, Md. 21219

People's Counsel
[Signature]

MICROFILMED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

#486
92-459-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 806.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----
The legal non-conforming use of the subject contractor's equipment storage yard in a B.R. Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

unknown at this time
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Leon G. McKemy

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Name

Leon G. McKemy

Name

2508 N. Snyder Ave

Address

Baltimore Md 21219

Phone No.

477-4361

Phone No.



ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1 HR. - 1 1/2 HR. - 2 HR. - 3 HR. - 4 HR. - 5 HR. - 6 HR. - 7 HR. - 8 HR. - 9 HR. - 10 HR. - 11 HR. - 12 HR. - 13 HR. - 14 HR. - 15 HR. - 16 HR. - 17 HR. - 18 HR. - 19 HR. - 20 HR. - 21 HR. - 22 HR. - 23 HR. - 24 HR. - 25 HR. - 26 HR. - 27 HR. - 28 HR. - 29 HR. - 30 HR. - 31 HR. - 32 HR. - 33 HR. - 34 HR. - 35 HR. - 36 HR. - 37 HR. - 38 HR. - 39 HR. - 40 HR. - 41 HR. - 42 HR. - 43 HR. - 44 HR. - 45 HR. - 46 HR. - 47 HR. - 48 HR. - 49 HR. - 50 HR. - 51 HR. - 52 HR. - 53 HR. - 54 HR. - 55 HR. - 56 HR. - 57 HR. - 58 HR. - 59 HR. - 60 HR. - 61 HR. - 62 HR. - 63 HR. - 64 HR. - 65 HR. - 66 HR. - 67 HR. - 68 HR. - 69 HR. - 70 HR. - 71 HR. - 72 HR. - 73 HR. - 74 HR. - 75 HR. - 76 HR. - 77 HR. - 78 HR. - 79 HR. - 80 HR. - 81 HR. - 82 HR. - 83 HR. - 84 HR. - 85 HR. - 86 HR. - 87 HR. - 88 HR. - 89 HR. - 90 HR. - 91 HR. - 92 HR. - 93 HR. - 94 HR. - 95 HR. - 96 HR. - 97 HR. - 98 HR. - 99 HR. - 100 HR. - 101 HR. - 102 HR. - 103 HR. - 104 HR. - 105 HR. - 106 HR. - 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FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

May 10, 1992

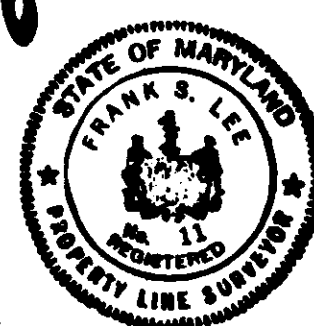
92-459-SPH

No. 2513 Ruth Avenue
15th District Baltimore County, Maryland

Beginning for the same on the north side of Ruth Avenue at the distance of South 1 degree 46 minutes 190.85 feet and South 72 degrees 42 minutes East 78 feet measured along the east side and north side of Ruth Avenue from the east side of Sparrows Point Road, thence running and binding on the north side of Ruth Avenue South 72 degrees 42 minutes 50 feet, thence running for 7 lines of division as follows: North 17 degrees 18 minutes East 185.15 feet, South 76 degrees 07 minutes East 301.20 feet, South 72 degrees 42 minutes East 50 feet, North 11 degrees 00 minutes East 218.20 feet, North 57 degrees 29 minutes West 276.02 feet, South 31 degrees 20 minutes West 307.28 feet South 57 degrees 29 minutes East 16 feet and South 17 degrees 18 minutes West 182.20 feet to the place of beginning.

Containing 2.12 acres of land more or less.

#486



MICROFILMED

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th Date of Posting: 6/19/92
 Posted for: Special Hearing
 Petitioner: Leon G. McKamy
 Location of property: N/S Ruth Ave. 103' E of c/l Sparrows Pt. Rd.
 2513 Ruth Ave.
 Location of signs: Four 20x40 signs on property being zoned
 for legal non-conforming use.
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 6/26/92
 Number of signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 11, 1992

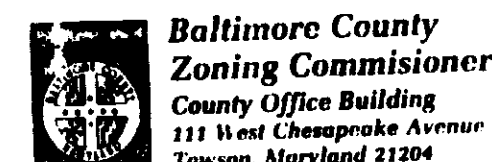
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992

THE JEFFERSONIAN,

S. Zake Orlov

Publisher

MICROFILMED


Baltimore County
Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150
Number

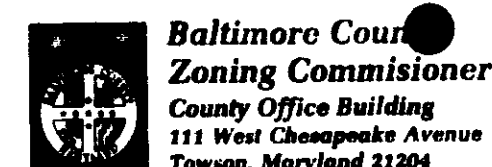
Date

12/21/92

MICROFILMED

 09AD4R0072NICHRC \$250.00
 EA C01D:00AM05-18-92
 Please Make Checks Payable To: Baltimore County

Cashier Validation


Baltimore County
Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150
Number

Date

6/20/92

PUBLIC HEARING FILE

CBO POSTING SIGN / ADVERTISING 1 X

LAST NAME OF OWNER: MCKAMY

\$60.40

 Please Make Checks Payable To: Baltimore County \$60.40
 EA C011:00AM06-30-92

Cashier Validation

MICROFILMED

Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

847 3353

DATE: 6-18-92

Leon G. McKamy
2508 N. Snyder Avenue
Baltimore, Maryland 21219
 RE:
 CASE #92-459-SPH (Item 486)
 N/S Ruth Avenue, 103' E of c/l Sparrows Point Road
 2513 Ruth Avenue
 15th Election District - 7th Councilmanic
 Petitioner(s): Leon G. McKamy
 HEARING: WEDNESDAY, JULY 8, 1992 at 2:00 p.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via Federal Express to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

Paid 6/24/92. Check #138

JUN 25 1992
ZONING OFFICEBaltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-459-SPH (Item 486)
 N/S Ruth Avenue, 103' E of c/l Sparrows Point Road
 2513 Ruth Avenue
 15th Election District - 7th Councilmanic
 Petitioner(s): Leon G. McKamy
 HEARING: WEDNESDAY, JULY 8, 1992 at 2:00 p.m. in Rm. 106, Office Building.

Special Hearing to approve the legal non-conforming use of the subject contractor's equipment storage yard.

Zoning Commissioner
Baltimore County

cc: Leon G. McKamy

NOTE: HEARING AND SUBMITTED DOCUMENTS; FOR SPECIAL ACCOMMODATION PLEASE CALL 887-3353.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1992

(410) 887-3353

Mr. Leon G. McKamy
2508 N. Snyder Avenue
Baltimore, MD 21219
 RE: Item No. 486, Case No. 92-459-SPH
 Petitioner: Leon G. McKamy
 Petition for Special Hearing

Dear Dear Mr. McKamy:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 15th day of May, 1992

ARNOLD JABLON
DIRECTOR

Received By:

Chairman
Zoning Plans Advisory Committee

Petitioner: Leon G. McKamy

Petitioner's Attorney:

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

 TO: Arnold Jablon, Director DATE: June 5, 1992
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

 RE: Zoning Advisory Committee Meeting
 for June 8, 1992
 Item 486

The Developers Engineering Division has reviewed the subject zoning item and we feel that the Landscape Manual's Class 'A' buffer should be required for all adjacent residential uses and zones.

ROBERT W. BOWLING, P.E., Chairman
Developers Engineering Division

RWB:DAK:s

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 19, 1992

SUBJECT: Leon McKenny Property

INFORMATION:
Item Number: 486
Petitioner: Leon G. McKenny
Property Size: 2.12 acres
Zoning: BR, BL
Requested Action: Special Hearing, Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a special hearing to allow an existing non-conforming contractor's equipment storage yard in a BR zone and a variance to allow a 3 foot setback in lieu of 30 feet.

The site plan that was submitted does not reflect existing conditions as required by the development regulations. Staff from the Office of Planning and Zoning visited the site and found many conditions that were not shown on the plan. Located along the entrance road are at least five tractor trailers that appear to be permanently stored. Also, located along the south property line, adjacent to the residential area, are at least 3 large oil storage tanks, a pile of macadam and some old dilapidated machinery. The plan must reflect these existing conditions.

Single family homes exist on the west side of the property at the entrance road and also all along the south property line. These residents have serious concerns regarding the operation of this business. A portion of the access road and the remainder of the site is composed of compacted stone and dirt which of course creates dust and dirt. During dry summers dusty and dirty conditions are exacerbated and affects the adjacent residences.

The Office of Planning and Zoning is assuming that the petitioner is proposing 37 parking spaces for trucks because that condition doesn't currently exist. Those areas where the parking spaces are proposed contain storage tanks, trailers and other junk. If the petitioner is proposing parking spaces for trucks, is the petitioner changing his business from a contractors storage yard to a class II trucking facility? If this is the case, staff is vehemently OPPOSED to this type of use because this business is located in a residential area.

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ZAC COMMENTS

Based upon the information provided and analysis conducted, staff recommends APPROVAL of part of the applicant's request subject to all of the conditions noted being addressed prior to approval of this request. The staff recommends that:

1. The trailers should be removed from the access road, old machinery and vehicles should be removed from the site and the oil storage tanks should be moved away from the adjacent residential area. If there is a fire in those tanks and the substance being stored in those tanks is flammable then the homes nearby are at risk. This situation could be a real safety hazard.
2. The hours of operation should be restricted to normal business hours and truck traffic not allowed to continue after those normal business hours.
3. The variance for the 3 foot setback in lieu of the 30 foot requirement along the southern property line, adjacent to the residential properties, should be REVIEWED. Currently, a fence runs along this property line. The fence is overgrown with vines and trees and vegetation parallel the fence on the petitioners side. If the petitioner is allowed to start his operations 3 feet from the fence then substantial trees and screening would be taken down. This should not be allowed to occur because this is the only effective buffer separating the residences and the junk yard like business that now exists. Our office suggests that a limit of disturbance line be drawn along this property line in order to prevent the petitioner from encroaching in this area and removing existing vegetation.
4. Dense evergreens should also be planted to supplement the existing vegetation along this property line.
5. Additional paving should be provided to keep the dust down.

Prepared by: Francis Money

Division Chief: Chris McDaniel

EMC/JH:rdn

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JUN 23 1992

ZONING OFFICE

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Pg. 2

486.ZAC/ZAC1

06/08/92

Development Review Committee Response Form
Authorized signature: *Robert J. Family* Date: 6/8/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swim	477	NIC	6-1-92
DED DEPRM RP STP TE			
Albert F. And Ann B. Nocar	478	More Time	
DED DEPRM RP STP TE			
Maryland Marine Manufacturing Co., Inc.	479	More Time	
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig	480	NIC	
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481	NIC	
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485	NIC	
DED DEPRM RP STP TE			
✓ Leon G. McKenny		NIC	
DED DEPRM RP STP TE			
✓ Williams Management Services, Inc.	487	NIC	
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488	NIC	
DED DEPRM RP STP TE			
✓ Matthew F. Reckenberger, Jr.	490	NIC	
DED DEPRM RP STP TE			
✓ Herbert H. And And Betty Rosen	491	NIC	
DED DEPRM RP STP TE			
✓ Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492	NIC	
DED DEPRM RP STP TE			

RECEIVED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 16, 1992

FROM: J. Lawrence Pilsbury
Development Coordinator, DEPRM

SUBJECT: Zoning Item 486
#2513 Ruth Avenue
Zoning Advisory Committee Meeting of June 1, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

On June 4, 1992, an inspection of this property was conducted by the Bureau of Air Quality Management. It was noted that heavy construction equipment was located and operated on the premises. It is our opinion that if this equipment is operated during the hours from 10:00 p.m. to 7:00 a.m., the noise levels imposed on the adjacent properties (Zoned BR and BL) may exceed the State of Maryland Noise Pollution Standards.

JLP:sp

JABLON/S/TXTSBP

RECEIVED
JUN 23 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

MAY 27, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LEON G. MCKENY

Location: #2513 RUTH AVENUE

Item No.: +486 (MJK) Zoning Agenda: JUNE 1, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John J. Fisher* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KEK

RECEIVED
MAY 29 1992

ZONING OFFICE

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Development Review Committee Response Form
Authorized signature: *Robert J. Family* Date: 6/8/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swim	477	No Comment	6-1-92
DED DEPRM RP STP TE			
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DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481	No Comment	
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485	No Comment	
DED DEPRM RP STP TE			
✓ Leon G. McKenny		No Comment	
DED DEPRM RP STP TE			
✓ Williams Management Services, Inc.	487	No Comment	
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488	No Comment	
DED DEPRM RP STP TE			
✓ Matthew F. Reckenberger, Jr.	490	No Comment	
DED DEPRM RP STP TE			
✓ Herbert H. And And Betty Rosen	491	No Comment	
DED DEPRM RP STP TE			
✓ Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492	No Comment	
DED DEPRM RP STP TE			

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Ervin McDaniel, Chief
Development Review Section

DATE: June 29, 1992

FROM: Jackie MacMillan
Office of Planning & Zoning

SUBJECT: MCKENY PROPERTY, RELATED COMPREHENSIVE ZONING MAP
PROCESS (CZMP) ISSUES

The McKenny Property lies on the north side of Ruth Avenue to the rear of dwellings that front on Ruth Avenue. The dwellings are part of CZMP Issue No. 7-011, shown on the attached map in yellow. The Planning Board has recommended that the area encompassed by CZMP Issue No. 7-011 be changed from BR and BL-CMS to DR 5.5.

The wooded area to the east of the McKenny Property is part of the North Point State Park. It is also part of CZMP Issue No. 7-006 which encompasses 68 contiguous acres of State parkland. The 68 acre area currently has a variety of commercial and industrial zoning designations as well as a large segment zoned DR 5.5.

A portion of CZMP Issue No. 7-006 is shown in pink on the attached map. The Planning Board has recommended a change to RC 5 for the entire area represented by Issue No. 7-006.

If the County Council concurs with the Planning Board on the CZMP issues mentioned above, the land surrounding the McKenny Property will soon change from BR to RC 5 on the east and from BL to DR 5.5 on the south. The zoning recommended by the Planning Board for these areas is consistent with the existing land uses, which are, respectively public open space and residential.

JH:lw
JUN 29 1992

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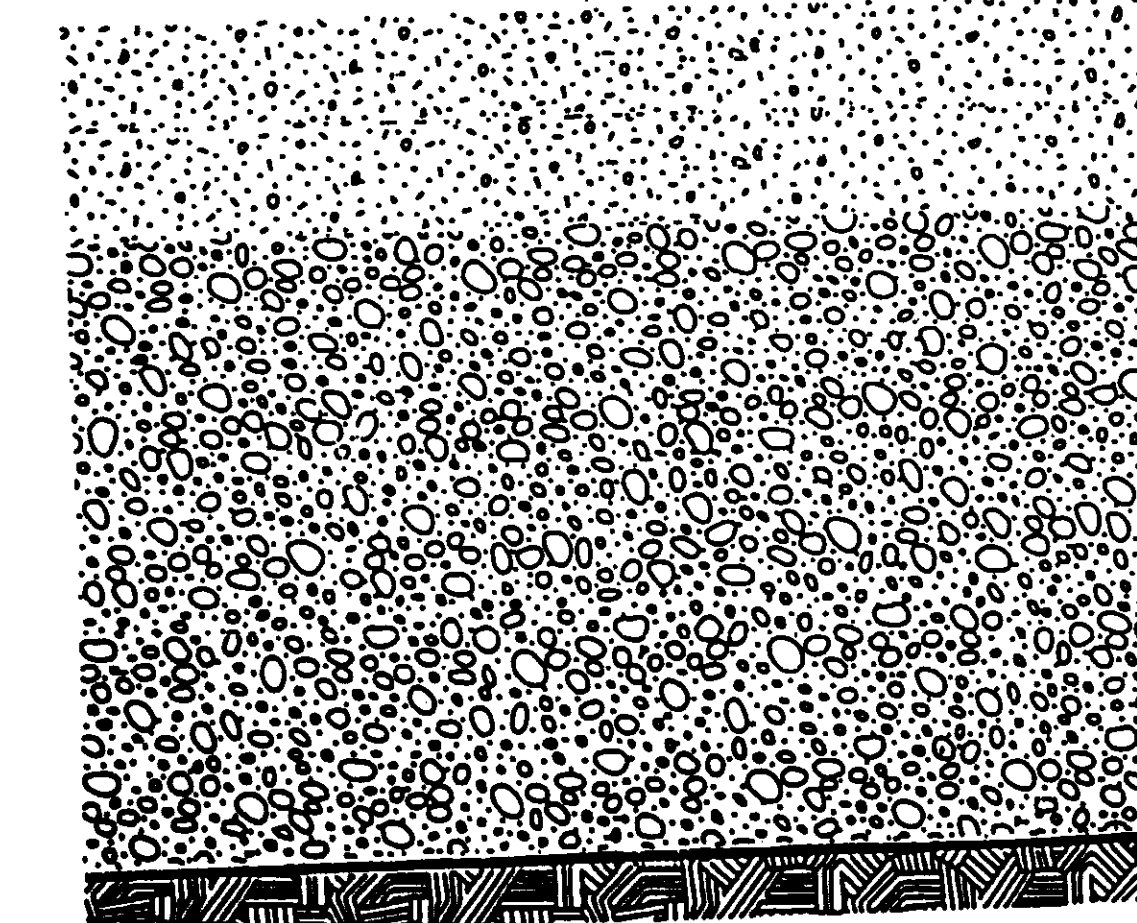
SCHEMATIC OF POROUS STONE SURFACE

6-89

Porous stone surfaces have a high capability to remove both soluble and fine particulate pollutants in urban runoff, and also provides groundwater recharge, low flow augmentation, and stream-bank erosion control. Its use is generally restricted to low volume parking areas, although it can accept runoff from rooftop storage or adjacent conventionally paved areas. As BMP, porous pavement is only feasible on sites with gentle slopes, permeable soils, and relatively deep water table and bedrock levels. When these conditions are met, porous stone surfaces are a reasonably cost-effective BMP, particularly if off-site runoff contributions are not great.

When properly designed and carefully installed, porous stone surfaces have load bearing strength, longevity, and maintenance requirements similar to conventional pavement. Some other advantages of porous stone surfaces are reduced land consumption, reduction or elimination of the need for curb and gutters and downstream conveyance systems, and the preservation of the natural water balance at the site.

Side View



#7 Stone (per gravel)
At A Depth Of 3"

#6 Stone
At A Depth Of 3"

#2 Stone
At A Depth Of 8"

Amoco Ground Stabilization
Fabric 2006 or Equal
Undisturbed Soil